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Protection of and assistance to internally displaced persons

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Representative of the Secretary-General on the human rights of internally displaced persons, Mr. Walter Kälin, in accordance with General Assembly resolution 60/168 and Commission on Human Rights resolution 2005/46.

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Report of the Representative of the Secretary-General on the human rights of internally displaced persons

Summary

In his third report to the General Assembly pursuant to its resolution 60/168, the Representative of the Secretary-General on the human rights of internally displaced persons describes the main activities undertaken during the period from September 2006 to July 2007. During this period, he actively pursued dialogue with Governments through missions, working visits and various follow-up activities. He also pursued his efforts to cooperate with regional organizations that provide significant support to the development of a normative framework for protecting the rights of internally displaced persons and, consistent with his mandate, continued to work with United Nations agencies in order to ensure better mainstreaming of the fundamental rights of displaced persons into their activities.

During the reporting period, moreover, the Representative was particularly interested in the linkages between internal displacement and peace processes, and, in particular, the search for durable solutions for displaced persons as a means of ensuring the continuity of peacebuilding efforts.

Lastly, as usual, the Representative formulates a set of recommendations for all the main actors involved in handling internal displacement matters, including Governments which, in accordance with the Guiding Principles on Internal Displacement, have the primary responsibility for providing protection and assistance to displaced persons within their jurisdiction.

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I. Introduction

1. This report, which is being submitted pursuant to General Assembly resolution 60/168 and Commission on Human Rights resolution 2005/46, is the third report by Mr. Walter Kälin since his appointment to the post of Representative of the Secretary-General on the human rights of internally displaced persons.

2. This report contains an account of the activities conducted by the Representative of the Secretary-General in implementation of his mandate during the period from September 2006 to July 2007. As in previous years, the Representative actively pursued dialogue with Governments and with regional organizations and United Nations agencies in a common effort to ensure better mainstreaming of the human rights of internally displaced persons into their activities. As is customary, the Representative also formulates some conclusions and recommendations addressed to Governments, international organizations and civil society.

II. Activities conducted by the Representative of the Secretary-General in implementation of his mandate

3. During the reporting period, the Representative delivered his general report to the Human Rights Council. On this occasion, the Representative also presented reports prepared on the Côte d'Ivoire and Colombia missions. The presentation, given during the Council's fourth session, was followed by an interactive dialogue with States and non-governmental organizations (NGOs). In addition, the Representative went on a mission to Israel and Lebanon, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. The report on this mission (A/HRC/2/7), presented at the Council's second session, analyses, inter alia, the situation of persons displaced by the conflict of summer 2006.

4. The Representative, in implementing his mandate, continues to accord priority to regular and open dialogue with Governments. He also makes every effort to cooperate with regional organizations and United Nations agencies in a joint effort to ensure better mainstreaming of the human rights of internally displaced persons into their activities.

A. Dialogue with Governments

5. In accordance with Commission on Human Rights resolution 2005/46 and in the light of Principle 3 of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), which states that national authorities have the primary duty and responsibility to provide protection and assistance to displaced persons, the Representative continues to place special emphasis on dialogue with government authorities. Such dialogue, which he hopes will be open and constructive, is based, first and foremost, on country missions, which are the best way to find out what is really happening on the ground as a basis for more in-depth

and detailed discussions with national authorities. Moreover, out of a desire to support States seeking solutions to the problems faced by displaced persons, the Representative conducts working visits and carries out activities to follow up his prior missions or those of his predecessor.

1. Country missions

Central African Republic

6. At the Government's invitation, the Representative conducted an official visit to the Central African Republic from 24 February to 3 March 2007. In addition to Bangui, where he met with the President of the Republic, representatives of concerned ministries and the international community, the Representative visited the prefectures of Ouham and Ouham-Pendé in the northwest of the country, where he met with government authorities, representatives of civil society and international organizations and many displaced persons.[1]

7. The Representative noted that many displaced persons whose villages had been burned by security forces had had to seek refuge in the brush in conditions of great hardship and fears that this serious failure to provide protection in the Central African Republic could rapidly degenerate into a humanitarian crisis that is out of control. He believes that renouncing violence, dealing with the impunity that reigns in the country and engaging in constructive dialogue are the only ways to curb the serious human rights violations affecting persons displaced by this conflict in the north of the Central African Republic. In this context, the Representative calls on all actors to faithfully honour their commitments under applicable international law and appeals to humanitarian organizations to support the country in its efforts to respond to its displaced population's need for protection and assistance. Lastly, aware that a durable solution to this crisis cannot be found if the basic questions of the underdevelopment and marginalization of certain segments of the population are not addressed, the Representative calls on donors to pledge their assistance, without delay and on a voluntary basis, for an ambitious development programme in the north of the country.

Azerbaijan

8. At the invitation of the authorities, the Representative of the Secretary-General went on an official mission to Azerbaijan from 2 to 6 April 2007 in order to study the current internal displacement situation there and review the measures adopted to deal with it. During his visit, the Representative met with the President of the Republic, the Deputy Prime Minister and the President of the National Commission for Humanitarian Assistance to Refugees and Displaced Persons and other concerned leaders. He visited Baku, Sumgaït, Bilasuvar, Imishli and Sabirabad.[2]

9. At the conclusion of the mission, the Representative indicated that the situation of internal displacement in Azerbaijan is serious. He believes that since his predecessor's visit in 1998, genuine progress has been achieved not only with regard to the civil and political rights but also the economic and social rights of internally displaced persons. He noted, in particular, that some of the unhealthiest camps had finally been closed down and that new housing had been built in rural areas,

[1] The Human Rights Council will shortly consider the mission report.

[2] The Human Rights Council will shortly consider the mission report.

enabling displaced persons to lead a decent life. The Representative encouraged the Government to continue its efforts in this area, particularly given the situation of thousands of displaced persons living in collective housing and extremely difficult conditions in the urban area. Moreover, noting the difficulties that internally displaced persons still face in securing a means of subsistence, the Representative urges the Government to address this issue on a priority basis by strengthening, in particular, programmes to build their self-sufficiency and to give them an opportunity to become active and productive members of their society once again.

2. Working visits and follow-up activities

Turkey

10. During the period under consideration, the Representative continued the constructive dialogue that he had established with the authorities since his working visits to Turkey in 2005.

11. In September 2006, he participated in the launch of the Van province Plan of Action on Measures taken with regard to Internally Displaced Persons in Eastern and South-Eastern Anatolia. The Plan of Action, which reflects some of the Representative's earlier recommendations, sets out strategies to improve the living conditions of displaced persons in the province and to facilitate their reintegration into society. The Representative urged the Office of the Governor of Van to proceed with the implementation of the Plan of Action; he further recommended that the Turkish Government should assist the Van Governorate and support similar initiatives in other parts of the country.

12. Furthermore, on 6 December 2006, following an invitation by the Government, the Representative returned to Turkey to participate in the public presentation of the findings of the migration and internally displaced population survey undertaken by the Haceteppe University Institute of Population Studies at the request of the Government in order to assess the magnitude of internal displacement, assess the situation of both those who had already returned home and those who were still displaced and, lastly, to ask them about their future plans. The study found that some one million persons had left the 14 provinces of south-eastern Anatolia between 1986 and 2005 and that between 10 and 12 per cent had since returned.[3] The Representative welcomed the survey as an excellent basis for the Government to build on in planning programmes and strategies to address the challenges of finding durable solutions for internally displaced persons.

13. Moreover, in the light of the finding by the survey, that only one fifth of those eligible had filed a claim for damages suffered in the course of their displacement[4] within the deadline, the Representative suggested to the Minister of the Interior that he should extend the deadline. The Representative welcomes the Government's decision to extend the filing deadline by another year and invites the authorities to launch a public information campaign to explain the procedures and the types of damage eligible for compensation, the type of evidence required and the amount of

[3] According to the results of the survey, from 1985 to 2005 between 953,680 and 1,201,200 people left the 14 provinces of South-East Anatolia for security reasons. Between 10.9 and 12.1 per cent of them have since returned home.

[4] Until the beginning of 2007, the 2004 law allowed displaced persons to demand compensation for the damages they had suffered owing to their displacement.

compensation likely to be awarded. The Representative also welcomes the establishment, within the Ministry of the Interior, of a secretariat responsible for the coordinated implementation of the Compensation Law and the elaboration of plans of action for displaced persons and the returnee programme. He commends the initiative taken by the coordination secretariat to develop a matrix that would ensure greater coherence among the various provinces concerned with regard to the amount of compensation granted. He urges the authorities to support the secretariat as a matter of priority in its efforts to improve Turkey's response to internal displacement issues. The provision of adequate resources is particularly crucial in the context of the ongoing efforts to develop plans of action in the affected provinces, following the Van province plan, the initial implementation of which constitutes encouraging progress owing to its participatory and inclusive approach.

Georgia

14. At the invitation of the authorities, the Representative visited Georgia from 14 to 16 December 2006, as a follow-up to his mission to that country the previous year. During his visit, he participated in the public presentation of a draft global strategy to address internal displacement problems in that country.

15. In a letter dated 26 December 2006 addressed to the Georgian authorities, the Representative welcomed the Government's adoption of such a strategy. He remarked that the draft strategy was based on international human rights law and the Guiding Principles on Internal Displacement and that the principles of the right to return and the right to reintegration were at its very heart. The Representative also noted the commitment of the authorities to end the marginalization of internally displaced persons and the express desire to improve their living conditions, notably with regard to housing, education, health and employment. He also noted that all the relevant stakeholders should continue to work closely together and that strong donor support was necessary. The Representative welcomes the fact that, since his previous letter, the strategy has been endorsed and that a programme of work for its implementation is being prepared and should be adopted in the near future.

Armenia

16. At the invitation of the Government, the Representative undertook a working visit to Armenia from 12 to 15 April 2007, following the visit made by his predecessor, Francis Deng, in 2001. During his visit, the Representative met with the Prime Minister and the top senior officials responsible for internal displacement issues as well as with representatives of international and non-governmental organizations. In addition to Yerevan, he also went to Chambarak in Gegharkunik province.

17. In Armenia, the issue of internally displaced persons is the result of the conflict between Armenia and Azerbaijan and natural disasters. An estimated 72,000 people[5] and 65,647 families[6] were displaced by conflict between 1988 and 1994. With regard to natural disasters, the earthquake that devastated the north-west of the country in December 1998 forced some 100,000 people to flee their homes.

[5] See the report of the previous Representative, Mr. Francis Deng, issued as document E/CN.4/2001/5/Add.3.

[6] Norwegian Refugee Council, Mapping Survey, 1 March 2005.

18. According to a mapping survey conducted by the Norwegian Refugee Council and the State Department for Migration and Refugees pursuant to the recommendations of the previous Representative of the Secretary-General, 8,399 people or 10 per cent of those initially displaced by conflict were still displaced. During his field visits, including to the municipality of Chambarak, the Representative observed that the living conditions of some of the displaced persons gave cause for concern. A number of them had no income and were completely dependent upon Government humanitarian assistance programmes.

19. The Representative laments the lack of up-to-date information on natural disasters. He urges the authorities to gather such information in order to be able to identify the needs of displaced persons, respond adequately to their problems and find durable solutions to them.

20. The Representative observes that local reintegration is the preferred approach in Armenia, a country with little religious or ethnic diversity. He notes, however, that one consequence of this approach has been that specific issues related to internal displacement have not been addressed. Although efforts have been made to assist vulnerable population groups, no specific programme for displaced persons has been implemented by the authorities and no law addressing this particular subject has been adopted. Thus, the programme for the rehabilitation of border areas presented to the previous Representative in 2001 was never implemented. Nonetheless, the Representative welcomes the drafting by the migration agency of a new programme designed to facilitate the return to their places of origin of persons displaced from the border areas. The objective of the programme is to support the return of 1,005 families by rehabilitating and rebuilding homes, providing food assistance and a lump sum to the families concerned as seed money for income-generating activities.

21. The Representative is of the view that Armenia is unique in that it can resolve the remaining cases of internal displacement and, thereby, graduate from the list of countries with internal displacement problems. In that regard, he calls on the Government to adopt the return programme for the displaced and on the international community to support its implementation. The Representative transmitted a memorandum containing his conclusions and detailed recommendations to the Armenian competent authorities by letter dated 4 May 2007.

Côte d'Ivoire

22. Since the last report submitted to the General Assembly by the Representative, some important developments have taken place in Côte d'Ivoire, opening new prospects for its displaced population. The Representative welcomes the signing of the Ouagadougou Agreement between President Gbagbo and the Secretary-General of the Forces nouvelles, Guillaume Soro, and notes in particular that the Agreement explicitly refers to the fate of internally displaced persons and envisages the implementation of an aid programme for the war-displaced. On 9 March, the Representative wrote to the President of the Republic and to the Secretary-General of the Forces nouvelles in order to draw their attention to a number of points which he deemed vital to the process of national reconciliation, namely: helping displaced persons to recover their property and belongings and compensating them or providing them with appropriate compensation; paying particular attention to the

land issue; and ensuring that displaced persons participate in all stages of the electoral process.

23. At the invitation of the Government, the Representative undertook a follow-up visit to Côte d'Ivoire from 25 to 29 June 2007 to assess developments in the internal displacement situation following the signature of the Ouagadougou Agreement, continue the dialogue with the authorities and all the relevant stakeholders, identify the needs of displaced persons and make recommendations for appropriate assistance and protection.[7] In addition to Abidjan, the Representative visited the Guiglo, Blolequin and Bouake regions.

24. He notes from the information provided him that the situation has calmed down considerably and some spontaneous returns have already taken place in the north and the west of the country. The Representative emphasizes, however, that major challenges remain with regard to protection and the provision of humanitarian assistance to internally displaced persons and that just and lasting solutions must be found for the displaced, to achieve long-term peace. In his view, unless appropriate solutions are found to substantive issues, including the identification process and rural land ownership, the peace process could be derailed by a fresh outbreak of tensions.

25. With regard to the need to bring stability to the country, the Representative welcomes the fact that the security situation has greatly improved since the signing of the Ouagadougou Agreement, although incidents continue to be reported, including in the former zone of confidence. He stresses the urgency of providing the necessary resources to enhance the capacities of the security forces in order to improve the protection of persons and goods. The Representative is convinced that the redeployment of the administration, which has started with the redeployment of district administrators, will significantly contribute to improving the situation.

26. With respect to the return of displaced persons to their localities, the Representative welcomes the clear commitment of the authorities, at the highest level, to allow the displaced persons to return, and the commitment of their communities of origin to reintegrate them. However, the Representative noted during his visit that although certain issues such as the need for continued assistance during the transition period, which affects the entire return process, are the same in all the regions concerned, there were problems specific to the west and north of the country.

27. In the west of the country the Representative is concerned by the challenges of the series of displacements to which he had already referred in his mission report. Thus those displaced from Zou, who had found refuge in Blolequin, had left the farms they were occupying in order to allow the inhabitants to return but were not able to return to their own villages, which were still occupied by other displaced persons, and so found themselves in a particularly difficult situation. The Representative calls on the authorities to pay particular attention to this situation and to seek comprehensive solutions that would allow the phased return of the displaced persons. The Representative was also informed that agreements aimed at facilitating the reintegration of the displaced had been concluded between indigenous communities and people from other parts of the country or aliens who

[7] The Representative went on a mission to Côte d'Ivoire in April 2006 and his mission report (A/HRC/4/38/Add.2) was considered at the fourth session of the Human Rights Council.

were returning to their farms. The Representative welcomes the fact that these agreements, which take the form of an "integration code", are based on the traditions of the country, which should ensure greater ownership of the process by the population groups involved. However, he is concerned about conflicts that could arise from such agreements, which, in some cases, are unbalanced and impose the bulk of obligations upon those returning to their villages. Moreover, these agreements appear not to provide for a mechanism in the case of conflict between returnees and their stewards and, at times, appear to be inconsistent with the Law on Rural Land Tenure, which could further complicate the implementation of that Law. In that regard, the Representative called on the authorities to ensure that initiatives to facilitate reconciliation between communities are in conformity with minimum human rights and justice standards and respect everyone's right to dignity.

28. The Representative concludes that, for the most part, the obstacles to return in the north of the country are due to the marginalization of this region, which has a high level of unemployment, virtually no public administration and a slight increase in crime, but also a considerable number of occupied, looted or destroyed houses. He noted the impoverishment of the displaced population, especially the dire conditions in which particularly vulnerable groups such as women heads of households or very young mothers were living. He also realized, following conversations with displaced persons, that there was rising tension between communities.

29. The Representative recalls that identification and the issuance of identification documents is a key issue in the normalization process in Côte d'Ivoire. He noted with interest the efforts made in this sphere by the Government to strengthen the justice system to enable it to adequately address through the mobile courts the task of issuing substitute birth certificates. The Representative wishes to emphasize, however, that, for the time being, this procedure could create special difficulties for the displaced as it provides that a birth certificate must be issued at the birthplace of the individuals concerned. The Representative is particularly concerned by the fact that, in the context of the current electoral process, displaced persons might not be able to exercise their right to vote and participate in public life like their fellow citizens. Finally, he also wishes to stress that the identification process may result in cases of statelessness. He strongly urges the authorities to seek solutions to these problems and recommends a regional approach to these issues.

30. The Representative transmitted detailed conclusions and recommendations to the authorities in a communication dated 25 July [2007]. In particular, he calls upon the Government to take concrete measures to finalize, adopt and implement without delay the plan of action for the return of displaced persons prepared by the Ministry of Solidarity. He recommends that the international community should continue to develop and support programmes for displaced persons by remaining on the ground and reinforcing its presence in areas of return, wherever necessary. The Representative reminds donors of the importance of assisting the peace process by continuing to provide substantial support to programmes for internally displaced persons, in order to support the return process and ensure the continued presence of agencies and organizations involved in this field.

Nepal

31. In the context of the peace negotiations held in the autumn of 2006, the Representative wrote in October to the Transitional Government of Nepal and to the Communist Party of Nepal (Maoist) in order to emphasize the necessity of taking into account the fundamental rights of displaced persons in the peace process. In particular, he reminded both parties that displaced persons must be able to choose freely where they settle, to participate in elections like their fellow citizens and should be consulted regularly on issues affecting them. He also emphasized the importance of guaranteeing the security of persons returning to their homes, including in remote areas.

32. The Representative welcomes the fact that the Comprehensive Peace Agreement makes reference to the situation of displaced persons and, in particular, that it specifically mentions the right to return of displaced persons, their right to choose where they settle and the desire of the parties to create an atmosphere conducive to the normalization of mutual relations and reconciliation. Moreover, the Agreement establishes a National Peace and Rehabilitation Commission to develop assistance and rehabilitation activities for persons displaced by conflict.[8] However, the Representative is concerned by the numerous reports he has received on obstacles faced by returnees, especially in the areas that are remote from departmental capitals. He is also concerned about recent developments in the eastern Terai, notably with regard to those persons who were forced to flee in the wake of those events.

3. Forthcoming missions

33. As part of his activities for the second half of 2007 and the beginning of 2008, the Representative plans to visit Sri Lanka in December, at the invitation of the Government. He also received invitations from the Russian Federation and the Democratic Republic of the Congo.

34. The Representative also sent a letter to the Kenyan and Sudanese authorities on the subject of possible future missions and hopes to be able to set dates for such missions with the authorities in the near future. The Representative wishes to emphasize that the visit to the Sudan will be a joint initiative with his counterpart from the African Commission on Human and Peoples' Rights, the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa.

[8] See, in particular, paragraphs 5.2.4, 5.2.8 and 7.3.3 of the comprehensive peace agreement between the Government of Nepal and the Communist Party of Nepal (Maoist), signed on 21 November 2006.

4. Other interventions

35. During the period under review, the Representative participated in the work of the group of experts[9] requested by the Human Rights Council "to work with the Government of the Sudan, the appropriate human rights mechanisms of the African Union and to closely consult with the Chairman of the Darfur-Darfur Dialogue and Consultation (DDDC) to ensure the effective follow-up and to foster the implementation of resolutions and recommendations on Darfur, as adopted by the Human Rights Council, the Commission on Human Rights and other United Nations human rights institutions as well as to promote the implementation of relevant recommendations and to contribute to monitoring the human rights situation on the ground".[10]

36. Following its consideration of the report prepared by the group of experts (A/HRC/5/6), the Human Rights Council adopted at its fifth session a resolution in which it welcomed the report and requested the group to continue with its work for six months and submit an updated report to the session of the Council in September 2007 and a final report to the following session of the Council.[11]

37. On 17 and 18 April of this year, the Representative was invited to participate in the International Conference on Addressing the Humanitarian Needs of Refugees and Internally Displaced Persons inside Iraq and in Neighbouring Countries, organized in Geneva by the Office of the United Nations High Commissioner for Refugees. In his statement, the Representative sought to highlight some of the challenges posed by the internal displacement of almost 2 million Iraqis. Although detailed information that would provide a clear idea of the difficulties that they faced was lacking, their situation was likely to be far greater cause for concern than that of those who had found refuge in other countries; internally displaced persons were closer to the conflict that had led to their displacement and the provision of adequate humanitarian assistance inside Iraq was extremely difficult. With respect to displaced persons, the Representative recalled that it was the responsibility of the Government to protect and assist its displaced citizens. In response to reports of restrictions imposed by some governorates on the entry of displaced persons into their community, the Representative emphasized the fundamental right to seek to escape violence inside one's country, as mentioned in the Guiding Principles on Internal Displacement. In that regard, he urged local authorities to ensure that displaced persons were not impeded in their efforts to find security and protection inside their country. While only 1 per cent of displaced Iraqis were living in camps, he reminded the authorities that accommodation in camps should be considered a measure of last resort, since camps exposed this vulnerable population to increasing sectarian violence in the country. He encouraged the authorities to consider alternative measures and give preference to accommodating displaced persons

[9] The group consists of: Ms. Radhika Coomaraswamy, Special Representative of the Secretary-General for Children and Armed Conflict; Mr. Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary executions; Ms. Hina Jilani, Special Representative of the Secretary-General on the situation of human rights defenders; Mr. Walter Kälin, Representative of the Secretary-General on the human rights of internally displaced persons; Mr. Manfred Nowak, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; and Ms. Yakin Ertürk, Special Rapporteur on violence against women, its causes and consequences.

[10] See para. 7 of Human Rights Council resolution 4/8 of 30 March 2007.

[11] See Human Rights Council draft resolution A/HRC/L.6.

within existing communities. Finally, the Representative encouraged the international community, including United Nations agencies, to focus their endeavours on the situation of displaced persons in Iraq and to provide support to the Iraqi Government in that regard.

38. In addition to press releases issued following missions and country visits, the Representative issued a public statement on 1 May 2007 on the deterioration of the situation in Somalia, in conjunction with 11 other special procedures experts, including the independent expert on the situation of human rights in Somalia. In this statement, which referred to the impact of the hostilities on the civilian population, notably by causing further displacements, the experts called on all parties to the conflict to respect their obligations with regard to international humanitarian law and international human rights law.

B. Cooperation with regional organizations

39. The Representative attaches great importance to cooperation with regional organizations which provide considerable support in disseminating the Guiding Principles and which participate in the development of the normative framework for the protection of the human rights of displaced persons. In recent months, he has continued the dialogue with these organizations with a view to supporting their efforts to better address issues of internal displacement and providing a more focused response to the challenges facing their member countries.

1. Africa

African Commission on Human and Peoples' Rights

40. At the fortieth ordinary session of the African Commission on Human and Peoples' Rights, held in Banjul in November 2006, the Representative was invited to make a presentation in which he stressed his ongoing collaboration with the Commission's Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa. In addition, he stressed the need to increase cooperation between the two mandates and to expand joint activities such as joint missions.

41. The Representative continues to maintain regular contacts with his African counterpart and hopes to go on mission with him soon to the Sudan in order to gain insight into the situation of displaced persons in Darfur and the pattern of returns in the southern part of that country.

African Union

42. The Representative had the honour to be invited to participate in a consultative meeting convened by the Political Affairs Department of the African Union on a draft convention on providing protection and assistance to internally displaced persons. The meeting, which was held in Addis Ababa in May 2007, brought together partner organizations of the African Union to discuss this draft convention, which marks an historic step in the development of the regional normative framework on providing protection and assistance to displaced persons. The African initiative is the first attempt to clarify the responsibilities of States and the African Union towards displaced persons throughout the continent.

43. In his opening address, the Representative congratulated the African Union on its initiative and its commitment to better protect internally displaced persons and stressed the need to develop an instrument that was consistent with international human rights law and the Guiding Principles on Internal Displacement. He also welcomed the spirit of openness shown by the Commission in involving all stakeholders in the consultation process, including the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa of the African Commission on Human and Peoples' Rights and also United Nations bodies working in the area of internal displacement and members of international civil society.

44. At that consultative meeting, the draft convention was discussed in detail and suggestions on how to improve it were put forward. The Representative actively participated in the discussions and reiterates his willingness to work with the Commission in developing this important instrument.

2. The Americas

Organization of American States

45. This year once again, the Representative was consulted during the negotiations which led to the adoption of resolution AG/RES.2277 (XXXVII O/07) by the General Assembly of the Organization of American States at its thirty-seventh regular session, which was held in Panama in June 2007.

46. The Representative attaches great importance to the dialogue that was begun several years ago with the inter-American system as a whole and in particular welcomes the fact that the resolution urges "member states to consider using the Guiding Principles on Internal Displacement, prepared by the Special Representative of the United Nations Secretary-General on Internally Displaced Persons, as a basis for their plans, policies, and programs in support of such persons, and, in accordance with international law, in support of, inter alia, indigenous communities and communities of African descent, and the specific needs of children, women, the elderly, and persons with disabilities". In addition, the Representative also notes that the resolution calls on States to incorporate the Guiding Principles into their domestic law.

3. Europe

Council of Europe

47. In January 2007, the Representative travelled to Strasbourg as part of his ongoing dialogue with the Council of Europe and met with the Secretary General, the Commissioner for Human Rights and various members of the Council's Secretariat, including the support staff of the European Committee on Legal Cooperation and the European Committee on Migrants. At those meetings, a number of issues of mutual concern were addressed, including those relating to protracted displacement situations, the search for durable solutions for displaced persons and the need to give further consideration to some issues, such as the right of usufruct and rental right of internally displaced persons. In all the discussions, the need to strengthen cooperation between the Representative and the Council was stressed.

C. Mainstreaming of the fundamental human rights of internally displaced persons into all relevant parts of the United Nations system

48. In accordance with paragraph 23 of resolution 2005/46 of the Commission on Human Rights, which requests him to address the complex problem of internal displacement, in particular by mainstreaming human rights of the internally displaced into all relevant parts of the United Nations system, during the reporting period the Representative continued to maintain a close dialogue with the various stakeholders involved. In that context, he continued to give special attention to entities working directly on internal displacement issues.

1. Office for the Coordination of Humanitarian Affairs

49. The Representative continued to work closely with the Office for the Coordination of Humanitarian Affairs and with the Emergency Relief Coordinator, thanks to the assistance provided by the Office's support staff member assigned to him who assists with the substantive and logistical preparations for the Representative's missions and working visits. The Representative welcomed the assurances of support given by the new Emergency Relief Coordinator.

2. Inter-Agency Standing Committee

50. During the reporting period, the Representative actively participated in the Committee's deliberations, both at the level of principals and that of the working group. The Representative attaches particular importance to cooperation with the Committee because it is the ideal forum for discussing both the conceptual and practical issues involved in the protection of internally displaced persons.

51. In response to the consultations initiated by the Representative, the Committee adopted this year the conceptual framework on durable solutions for displaced persons. This conceptual framework provides criteria for determining when internally displaced persons should no longer be so classified and no longer require special assistance or protection. In order to facilitate decision-making, the framework provides objective criteria which need to be met in advance, including ease of access to government services, consultation mechanisms with the affected population, and access to objective information on conditions in the new place of residence. The second part of the conceptual framework provides criteria for determining whether a durable solution has been found.

3. Office of the United Nations High Commissioner for Refugees

52. During the reporting period, the Representative continued his very close cooperation with the Office of the United Nations High Commissioner for Refugees, with which he maintains strong ties. This cooperation is reflected not only by the support staff assigned to the Representative, but also by the substantive support provided in mounting and conducting missions, the development of training material and ongoing discussions with individual staff members on issues relating to particular cases and policymaking.

53. In addition, this year the Representative and the Office jointly organized a workshop on protracted displacement situations (see section D below).

54. The Representative welcomes the Office's efforts to carry out its responsibilities within the framework of inter-agency operations dealing with internal displacement situations. He encourages the Office to continue to follow this course of action and to focus on protecting internally displaced persons when necessary.

4. Office of the United Nations High Commissioner for Human Rights

55. In accordance with resolution 2005/46 of the former Commission on Human Rights, the Representative continues to receive assistance from the Office of the United Nations High Commissioner for Human Rights, which is in charge of his secretariat. Such assistance is not only reflected by the substantive and logistic preparations for his missions and working visits but also by the assistance provided in general with regard to all aspects of implementation of his mandate.

56. In addition, during the reporting period the Representative improved information-sharing with the various departments and operational units of the Office in order to enhance coordination and synergies for promoting and protecting the human rights of internally displaced persons.

57. This year, for the first time, the Office assisted with the organization of the course on internal displacement which the Representative coordinates every year in San Remo. Within this context, a senior staff member was seconded to the teaching staff and another staff member participated in the sessions.

5. Peacebuilding Commission

58. In the course of missions to and follow-up activities in countries such as Côte d'Ivoire, Nepal, the Sudan, Georgia, Bosnia and Herzegovina, and Serbia, the Representative analysed the close relationship between the need to find durable solutions for displaced persons, peacebuilding and governance in a specific country. In that connection, he suggested to the secretariat of the Commission that it should include the basic rights of displaced persons in its deliberations. On 2 May 2007, the Representative was invited to address the Commission together with the United Nations High Commissioner for Refugees.

59. In his address, the Representative stressed that in order to build sustainable peace, durable solutions must be found for displaced persons. Efforts to that end should be undertaken as soon as possible in order to avoid protracted displacement situations. He recalled that peacebuilding was a vital component of efforts to find durable solutions for displaced persons and that without durable solutions, peace might be short-lived. In that context, he drew a distinction between the problems faced by the population at large, which could also affect displaced persons, such as security issues, and problems specifically relating to displacement, such as the need to find durable solutions for displaced persons or the return of property they had abandoned when they fled. He proposed that the Commission should address those two issues because of their importance to displaced persons.

60. As the Representative stressed, peace processes might not be sustainable in the long term if the needs of displaced persons are not sufficiently taken into account, especially with regard to the following: restoration of security and disarming of armed groups; reconstruction and economic rehabilitation; return of property and settlement of disputes over land ownership; reconciliation, including measures to

combat impunity and transitional justice measures; and political transition and the establishment of more accountable government structures and institutions. It is therefore essential that the governments concerned should, as part of their peacebuilding activities, take the necessary measures in cooperation with the international community to ensure that durable solutions are found for displaced persons.

61. Reconstruction and peacebuilding are complex processes. The recent establishment of the Peacebuilding Commission shows the importance the international community attaches to assisting States during the particularly sensitive post-conflict periods. In doing so, the international community undertakes to focus on reconstruction during these perilous transitional periods in order to avoid relapses. Although a number of aspects must be taken into account during peace processes, the Representative stresses that it is important not to overlook the needs of displaced persons because failure to do so might undermine those processes.

D. Capacity-building activities and research

1. Capacity-building

62. Starting from the premise that the dissemination and promotion of displaced persons' human rights are at the very heart of the mandate entrusted to him by the now defunct Commission on Human Rights, this year the Representative has continued to focus on building the capacity of the various actors involved in the management of issues relating to internal displacement.

63. Accordingly, this year he again organized, in collaboration with the Brookings-Bern Project, the second and third courses on internal displacement at the Institute for International Humanitarian Law in San Remo (Italy). For the first time, and at the Representative's request, the United Nations High Commissioner for Human Rights, who had, until now, sent an expert to present one of the course modules, joined the organizers. The courses, which took place in November 2006 and June 2007, respectively, are intended for political decision-makers and legislators, as well as for representatives of international governmental and non-governmental organizations dealing with issues relating to internal displacement, and are designed to promote and enhance participants' understanding of the legal and normative framework applicable to displacement issues and to permit discussions among the participants on relevant national legislation and experiences.

64. The Representative was also invited to Ghana from 5 to 17 November 2006 to present the Guiding Principles and the Operational Guidelines on Human Rights and Natural Disasters as part of a training course organized by the Economic Community of West African States.

2. Research

65. During the reporting period, the Representative continued to work closely with the Brookings-Bern Project, which he co-directs. Accordingly, the handbook on the national implementation of the Guiding Principles on Internal Displacement for legislators and decision-makers, on which he is collaborating with the Brookings-Bern Project, is nearing completion. As indicated in the Representative's previous report to the General Assembly (A/61/276), the handbook is intended for use by

governments as a reference tool for the design and implementation of their policies and legislation on internal displacement. In addition, the Brookings-Bern Project is in the process of creating a database of legislation and policies on internal displacement.

66. The study on displaced persons and peace processes, commissioned last year and referred to in the same report, was completed in April 2007 and will be published shortly. The study, which takes as its basis four case studies (Colombia, Georgia, Sri Lanka and the Sudan), examines the way in which issues relating to internal displacement should be addressed in peace agreements and peacebuilding processes and how displaced persons can participate effectively in such processes. Broad-based consultations were held in New York and Geneva with representatives from a number of diplomatic missions as well as with relevant experts. The Representative envisages developing, in cooperation with the Mediation Support Unit of the Department of Political Affairs, a handbook for mediators on the most effective ways of addressing issues relating to internal displacement in peace agreements.

67. With regard to the situation in Iraq, the Representative wished to undertake various projects relating to internally displaced persons. Accordingly, the Brookings-Bern Project published a study on the impact of the rise of sectarianism in the country on internal displacements. The report concludes that displacement is beginning to alter the social and demographic make-up of many urban centres, that there are limited opportunities for any significant return and that displacements are characterized by diversity. The Representative is planning to commission a second, follow-up study on issues relating to displacement in Iraq.

68. The Representative is also interested in issues relating to prolonged displacement and, in that context, he organized, in collaboration with the Office of the United Nations High Commissioner for Refugees and the Brookings-Bern Project, a brainstorming workshop in Geneva on 21 and 22 June 2007. The Representative took the initiative to organize the workshop with a view to identifying the measures needed to improve the assistance and protection offered to individuals in situations of prolonged displacement, with an emphasis on durable solutions. A report on the workshop was prepared, which included recommendations relating to advocacy, reform of the humanitarian sector, international cooperation, operational development and research.

III. Conclusions and recommendations

69. **Internal displacement, whether as a result of natural disasters, conflict situations or large-scale development projects, is now affecting a growing proportion of the world's population. More than 24 million people are currently displaced owing to conflicts in their countries, and millions more are displaced for other reasons. The vast majority of those individuals are in extremely vulnerable and precarious situations, and the governments of the States concerned, as well as the international community as a whole, must honour their commitments to support and protect them. In accordance with the Guiding Principles on Internal Displacement, such protection must be provided at all stages of displacement: as part of efforts to prevent displacement, during**

displacement itself and also as part of the quest for durable solutions, especially in the context of post-conflict peace processes.

70. During the reporting period, the Representative devoted particular attention to the situation of displaced persons in the context of peace processes and peacebuilding. Accordingly, when he received information about the implementation of such processes in countries experiencing problems associated with internal displacement he sent communications to the parties concerned; he drafted and presented to the Peacebuilding Commission a paper on the links between peace processes and internal displacement; and, more generally, he has pursued dialogue with governments and all interested parties, in particular United Nations system organizations in order to continue to raise their awareness about those issues and to cooperate in the quest for durable and just solutions for persons displaced by armed conflicts. The Representative takes the view that certain signs, inter alia the specific inclusion of the issue of displacement in peace agreements, are particularly encouraging but stresses that much remains to be done in that area.

71. In that context, the Representative wishes to make the following recommendations to governments:

(a) Governments should develop national policies and strategies dealing with all stages of displacement — measures to prevent displacement, provide protection during displacement and find durable solutions — which are consistent with the Guiding Principles;

(b) Governments of States that have already developed such strategies should take the necessary measures, particularly in the financial sphere, to ensure their effective implementation;

(c) Governments of States that have been visited by the Representative should take the necessary steps to implement his recommendations;

(d) Within the framework of any peace processes in which they may be involved, governments should ensure that the specific needs and fundamental rights of displaced persons are taken into consideration, particularly with respect to the freedom to choose whether or not to return to their places of origin, to remain in the place of displacement or to move to a different part of the country;

(e) Governments of States where internally displaced persons are found should ensure that they establish and maintain an economic and social environment favourable to the safe and dignified return of such persons; in this context, particular attention should be devoted to issues relating to ownership; at all stages of the process, governments should consult displaced persons on any issues involving them;

(f) Governments should devote particular attention to issues relating to community reconciliation and 'living together again' in order to allow displaced persons to return home permanently and to ensure that peace is sustainable;

(g) Governments should ensure that displaced persons participate fully in the political transition that accompanies peace processes in order to avoid any new tensions that could arise from marginalizing one segment of the population.

72. **In this context, the Representative wishes to make the following recommendations to regional organizations:**

(a) **Regional organizations should pursue efforts to improve the protection offered to displaced persons by promoting a tailored approach based on regional specificities;**

(b) **Regional organizations should continue to develop and implement, at the regional level, the legislative framework for the protection of internally displaced persons by incorporating, as far as possible, the Guiding Principles;**

(c) **Regional organizations should offer the various actors dealing with these issues a regional forum for dialogue and consultation in order to allow for exchanges of information and experiences;**

(d) **Within the framework of any peace processes in which they may be involved, regional organizations should ensure that the fundamental rights of displaced persons are taken into consideration, particularly during community reconciliation.**

73. **In this context, the Representative wishes to make the following recommendations to the international community:**

(a) **The international community should step up its efforts to improve the protection offered to displaced persons and to incorporate their fundamental rights into its activities; in this context, it should call on the Office of the United Nations High Commissioner for Refugees to pursue and strengthen its role as lead agency for the protection of displaced persons in complex emergency situations;**

(b) **Within the framework of the Inter-Agency Standing Committee, the international community should pursue its efforts to improve the coordination of its activities;**

(c) **The international community should encourage United Nations organizations to use the durable solutions framework[12] for displaced persons in specific situations and share any feedback on their experiences with the Inter-Agency Standing Committee and the Representative;**

(d) **The international community should call on the Peacebuilding Commission to include the fundamental rights of displaced persons in its deliberations, taking into account the fact that experience has shown that, in the absence of durable solutions for displaced persons, peace processes might not be sustainable in the long term;**

(e) **The international community should devote particular attention to the situation of displaced persons within the framework of early recovery activities and ensure that, where necessary, they continue to receive assistance;**

(f) **The international community should invite donors to contribute to peacebuilding processes by continuing to support programmes to assist displaced persons and ensuring the constant presence of relevant organizations during transition periods.**

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[12] See http://www3.brookings.edu/fp/projects/idp/2007_DurableSolutionsFramework.pdf.

74. **In this context, the Representative wishes to make the following recommendations to civil society organizations:**

(a) **Civil society organizations should continue to advocate for internally displaced persons and ensure that their needs and grievances are heard by all actors dealing with issues relating to displacement;**

(b) **Civil society organizations should continue to take a human-rights-based approach to assistance activities and work to ensure that the human rights of displaced persons are better protected;**

(c) **Civil society organizations should pursue dialogue with Governments, United Nations organizations and all concerned stakeholders in order to strengthen support for and protection of internally displaced persons.**

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Promotion and protection of the rights of children: promotion and protection of the rights of children

Report of the Special Representative of the Secretary-General for Children and Armed Conflict

Summary

The present report is divided into two parts. Part one gives an overview of critical themes relating to children and armed conflict and highlights significant developments over the reporting period. It emphasizes the role of field visits of the Special Representative as a key element of her advocacy strategy and outlines the main findings of missions to the Sudan, Burundi, the Democratic Republic of the Congo, the Middle East, Sri Lanka and Myanmar. The report also lists commitments made by parties to conflict during the course of those field visits, stressing the need for timely and systematic follow-up to ensure their practical implementation. Part one concludes that Member States should apply concrete and targeted measures against recalcitrant violators, particularly where they have refused to enter into dialogue or where such dialogue has failed to yield tangible protection for children.

Part two of the report presents the findings of a strategic review of the study by Graça Machel entitled "Impact of armed conflict on children" (see A/51/306 and Add.1), which marked the 10-year anniversary of that groundbreaking report. In view of the scope of that report, the strategic review was co-convened with the United Nations Children's Fund, with which a special strategic review secretariat was established.[a] The strategic review report was prepared with an inter-agency advisory group and featured a multi-stakeholder process involving United Nations system partners, Member States, non-governmental organizations and other representatives of civil society, as well as children themselves. The Special Representative presents part two of the report on behalf of the co-convenors as well as the multi-stakeholder partnership.

[a] It should be noted that work continues on a comprehensive report on the findings of the strategic review process, to be published in 2008.

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Part one

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 51/77, in which the Assembly established the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict and requested the submission of an annual report on the situation of children affected by armed conflict. The Assembly has since extended the mandate of the Special Representative three times, most recently by its resolution 60/231. This is the tenth report submitted to the Assembly on children and armed conflict.

2. Part one of the present report focuses on some of the major themes and developments relating to children and armed conflict during the reporting period. A number of significant developments are highlighted in the fight to end impunity through the application of international standards for the protection of children, as well as tangible results of political-level child protection dialogue. Part one outlines progress on mainstreaming the subject of children and armed conflict in the work of the United Nations, particularly in the peace and security sector and United Nations peacekeeping. It also focuses on the field visits of the Special Representative and resultant commitments made by parties to conflict to address child rights violations.

II. Critical themes and issues of concern

3. The Office of the Special Representative has advocated concertedly ending impunity particularly for six categories of crimes against children in situations of armed conflict: the killing and maiming of children; their recruitment and use as child soldiers; rape and other grave sexual violence; abduction of children; attacks against schools or hospitals; and denial of humanitarian access to assist children. Addressing these violations has represented a specific focus of my advocacy and dialogue with parties to conflict, and the primary themes around which I have organized my visits to situations of concern.

4. However, beyond those grave violations, it is also important to stress other emerging themes of concern relating to children on which the international community should focus attention in terms of collective advocacy and programmatic interventions. I am deeply concerned, for instance, about the security of camps for internally displaced persons and refugees. It is clear that such locations have become choice targets of parties to conflict and prime areas for recruiting children. Lack of security in and around camps has led to increased vulnerability of children to other grave violations, such as sexual violence and abduction. I have witnessed the dire plight and desperate circumstances of the thousands of children and women who make up the vast majority of camp residents in places such as Darfur, eastern Chad and the Democratic Republic of the Congo. We must address more systematically the acute vulnerability of this category.

5. Sexual and gender-based violence and the vulnerability of girls in the context of armed conflicts has been a particular preoccupation and focus of my advocacy, especially during my field missions. Even though girls are gradually receiving more attention, including in the context of post-conflict rehabilitation and reintegration programming, the child protection community, academia and other stakeholders

must strive to deepen the knowledge base on girls to inform more effective advocacy and programme interventions.

6. We are also faced with significant challenges in terms of responding to issues such as cross-border recruitment of children and their recycling in regional conflicts. Evidence suggests that significant numbers of children and young people are being compelled to join armed groups and take up lives as fighters because this may provide them and their families with a measure of protection in highly volatile and insecure settings, or in environments where war may also represent the most viable livelihood opportunity. Often in such situations, there are few alternatives for making a living, especially where prolonged conflict has undermined or destroyed the social and economic base. These factors lead to the perpetuation of cycles of violence and instability. Better documentation of cases, as well as information-sharing and coordination across borders among United Nations country programmes and peacekeeping operations, and initiatives by regional organizations in this regard, are critical to address a range of cross-border issues that affect children.

7. I am also increasingly concerned about "borderline" situations such as that in Haiti, where armed violence and conflict have created an environment in which grave violations are being committed against children by criminal gangs, many of which also appear to have strong links to political parties. In Haiti, such armed groups control territory, particularly in the capital, Port-au-Prince, and other cities, such as Gonaives, and they are systematically recruiting children as fighters, spies, informants and gun and drug carriers. Other grave violations are also being committed against children with impunity, such as killing and maiming, rape and sexual violence, and abduction and kidnapping.

8. Beyond the grave violations committed against children in the midst of conflict, the international community must also recognize that the effective rehabilitation and reintegration of children affected by armed conflict requires multi-year donor commitments and strategies placing an emphasis on supporting national actors so that they will assume their responsibilities in this regard.

9. Also critical is the systematic inclusion of children's concerns in peacemaking processes and post-conflict peacebuilding phases. Unless children's issues are explicitly part of the discourse at those critical stages, it is likely that they will fall through the cracks as accords are implemented and resources are allocated to consolidate peace. Specifically as regards peacemaking, it is critical that conflict mediators and other parties to negotiations have ready access to information on critical child protection provisions, and that they be inherently committed to applying them. Often, children's concerns are seen as issues of lesser priority in the broader scheme of political negotiations. A shift in our conflict mediation "culture" is required, so as to perceive issues relating to children as an entry point to the broader political dialogue rather than a liability. There is an increasing body of experience in this regard, which merits more systematic lessons-learned analysis and application of good practices.

10. The issue of security sector reform is an important emerging area of engagement that carries significant implications for children. There are considerable security challenges in post-conflict situations, including the reconstitution or reform of the military and police.

11. We are also increasingly encountering cases of illegal detention of children for alleged association with armed groups. Systematic advocacy and interventions are required for the release of children, and, where appropriate, the development of short- or medium-term remedial measures for the protection of children in situations where systems for the administration of justice are weak or non-existent.

III. Significant developments for ending impunity and delivering protection

Application of international child protection standards

12. As I noted in my last report to the General Assembly (A/61/275 and Corr.1), important precedents are being set in the fight to end impunity for crimes against children, with steady momentum building for the application of international child protection standards.

13. The most prominent developments include the confirmation by the International Criminal Court of the charges against Thomas Lubanga Dyilo, founder and leader of the Union of Congolese Patriots in the Ituri region of the Democratic Republic of the Congo, for the conscription and enlistment of children under the age of 15 and the use of children for active participation in hostilities. The Office of the Special Representative is preparing to file an amicus curiae brief in support of this case. The International Criminal Court has also issued arrest warrants for five senior members of the Lord's Resistance Army, including its leader, Joseph Kony, who is charged with 33 counts of war crimes and crimes against humanity, including the forcible enlistment and use of children under 15 in hostilities.

14. Another tribunal, the Special Court for Sierra Leone, convicted and sentenced Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu of the Armed Forces Revolutionary Council and, recently, Allieu Kondewa of the Civil Defence Forces militia for, among other crimes, the recruitment and use of child soldiers. The Special Court is currently trying, in The Hague, the case against Liberia's Charles Ghankay Taylor for 11 counts of war crimes and crimes against humanity, including conscripting or enlisting children into armed forces or groups and using them to participate actively in hostilities. This action against a former President sends a clear message that no individual is beyond the reach of justice for crimes against children.

Tangible results of political-level child protection dialogue

15. The examples above of application of international norms, combined with the political process spearheaded by Member States, particularly in the context of Security Council resolution 1612 (2005), on children and armed conflict, have significantly strengthened the hand of child protection advocates by opening up space for more meaningful protection dialogue with parties to conflict. Such dialogue has begun to yield concrete results in terms of commitments by parties to conflict, which are being translated into tangible protection for children on the ground.

16. In Côte d'Ivoire, for example, approximately 1,200 children have already been released to the United Nations Children's Fund (UNICEF) and its child protection partners on the strength of the action plan agreed in November 2005 by the Forces armées des forces nouvelles with the United Nations to end the association of children with their fighting forces. The momentum of that initial dialogue also led to similar action-plan commitments in September 2006 by the four major pro-Government militia groups in western Côte d'Ivoire, which has now resulted in the identification of children in their forces and a process of releasing some 204 children, 84 of whom are girls.

17. Following a number of my field visits, action-plan commitments have also been made by parties to conflict. For instance, in June 2007 the Sudan Liberation Movement/Army (SLM/A), one of the signatories to the Darfur Peace Agreement, agreed with UNICEF the modalities for the identification and release of children associated with its forces and ongoing verification to prevent child recruitment. The anticipated time frame for the implementation of that plan is three months, with the expectation that this initial breakthrough may lead to similar commitments by other parties to the conflict in Darfur.

18. Also, as noted in my last report, following my visit to Uganda in June 2006, the Government committed to strengthening the implementation of the existing legal and policy frameworks on the recruitment and use of children in armed conflict and agreed to an action plan in that regard.

19. In Chad, dialogue between UNICEF and the Government of Chad led to the signature in April 2007 of a protocol of agreement on protecting children who are victims of armed conflict and their sustainable reintegration into communities and families. Under that agreement, the Government of Chad and UNICEF commit to working together and with partners in ensuring protection and services for children associated with armed forces.

20. In the Central African Republic, the Government, the Assembly of the Union of Democratic Forces rebel group and UNICEF signed an agreement in June 2007 for the release and reintegration of some 400 children associated with armed groups.

21. Another significant political-level initiative is the strong commitment expressed by 58 Member States, including a number of conflict-affected countries, to the Paris Commitments and the Principles and Guidelines on Children Associated With Armed Forces or Armed Groups, which provide guidelines on the disarmament, demobilization and reintegration of all categories of children associated with armed groups.

IV. Progress in mainstreaming the subject of children and armed conflict in the work of the United Nations

22. Among the most significant advances made in the past decade in mainstreaming this subject is the integration of child protection in United Nations peacekeeping and the emerging complementary relationship between the Department of Peacekeeping Operations, UNICEF and other operational child protection actors. Embedded child protection expertise has enabled peacekeeping leadership to increasingly ensure that children's considerations are adequately reflected in peace processes. The heads of peacekeeping operations have also been

requested to ensure more systematic dialogue with parties to conflict to address grave violations of children's rights. United Nations peacekeeping plays a central role in monitoring and reporting violations, and peacekeepers are receiving more systematic training on child protection.

23. Central to the child protection orientation of peacekeeping has been the deployment of child protection advisers. In May 2007, the Department of Peacekeeping Operations Peacekeeping Best Practices Section published a long-awaited lessons-learned study on child protection, entitled "The impact of child protection advisers in United Nations Peacekeeping Operations". The following main lessons emerged from the study:

(a) The concept of child protection advisers and their current terms of reference should be jointly reviewed and clarified by the Department of Peacekeeping Operations, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and UNICEF;

(b) There is a need for specialized capacity at Department of Peacekeeping Operations headquarters to provide guidance, training and daily operational support to the child protection advisers in the field;

(c) Best practices need to be captured from child protection advisers and fed into policy and guidance development by the Department of Peacekeeping Operations, in consultation with UNICEF, the Office of the Special Representative and other partners, as appropriate;

(d) The location of child protection units or advisers within the mission structure needs to be reviewed and possibly standardized;

(e) The profile and selection process for child protection advisers should be reviewed by the Department of Peacekeeping Operations, in consultation with the Office of the Special Representative and UNICEF.

24. As an element of practical follow-up to that study, the Department of Peacekeeping Operations is in the process of recruiting at the headquarters level the necessary child protection expertise to interface with child protection advisers in peacekeeping operations and with UNICEF and the Office of the Special Representative.

V. Visits of the Special Representative to situations of concern

Context and objectives of the missions

25. Since assuming my role as Special Representative in February 2006, I have committed myself to undertaking field visits as a central element of my advocacy strategy to bring high-level attention to the plight and circumstances of children affected by armed conflict.

26. It is important to stress that such visits are carried out to support the advocacy and programmatic work of operational partners on the ground, to raise the level of global awareness about their work, to help open further space for their protection dialogue and, where appropriate, to assist operational partners in unblocking political impasses to further advance protection agendas. Thus, all my missions are

timed, planned, prepared and coordinated in close consultation with the heads of missions or country teams, operational partners, particularly UNICEF and other relevant country team members, the Department of Peacekeeping Operations and non-governmental organizations (NGOs). It is also important to stress that my visits are carried out on the invitation of and in close consultation with, at every phase, the Governments concerned, in a spirit of international cooperation, with the understanding that the role of the United Nations is to support and complement the lead role of Member States.

27. It is also important to point out that I have engaged in dialogue for the explicit purpose of child protection with all parties, both State and non-State, whose actions have a significant impact on children. However, such dialogue, particularly with non-State actors, does not imply political recognition of or confer legitimacy upon such parties.

28. In 2007, I have visited the following areas where there are situations of concern: the Sudan (January 2007), the Democratic Republic of the Congo and Burundi (March 2007), Lebanon and Israel and the occupied Palestinian territories (April 2007) and Myanmar (June 2007). I also engaged a Special Adviser, supported by my Office, to visit Sri Lanka (November 2006). The broad objectives of those visits were:

(a) To make a first-hand assessment of the situation of children so as to enhance global advocacy for protection and programme interventions on their behalf, and to meet and speak with the children themselves to get a direct sense of their experience and their needs;

(b) To support and facilitate the dialogue of United Nations actors with parties to conflict towards action plans to end the recruitment and use of child soldiers and release all children associated with fighting forces, and to advocate for concrete measures and elicit commitments by parties to prevent other grave violations;

(c) To assess, where applicable, the implementation of Security Council resolution 1612 (2005), on children and armed conflict, including implementation of the monitoring and reporting mechanism on the six types of grave violations against children;

(d) To engage in dialogue with relevant national authorities at the highest levels to gain concrete commitments to prevent and address violations, and to ascertain and highlight specific child protection measures that may have been taken by Governments;

(e) To engage with NGOs and local civil society groups on protection concerns for children affected by armed conflict, and to better support their work.

Critical themes stressed during the visits

29. Although a wide range of issues and themes have been covered during the course of my visits, I have made an effort to focus attention on four primary concerns: the recruitment and use of children as soldiers; grave sexual violence against children; the safety and access of humanitarian personnel; and rehabilitation and reintegration of children.

30. Over the past several years, the international community has focused concerted attention on the scourge of child soldiering, and I have prioritized this issue to ensure that the strong momentum that now exists is maintained and begins to yield more concrete results in terms of the application of international standards to put an end to this practice. I have also given special priority to girls in conflict because their plight, circumstances and experiences are often the most desperate, and at the same time they are often the most marginalized and stigmatized because of the abuses that have been perpetrated against them. The targeting of humanitarian personnel has become increasingly prevalent, and this is an absolutely unacceptable practice. All parties to conflict must ensure the inviolability of those who provide humanitarian services, and ensure that humanitarian staff have access to children. The issue of rehabilitation and reintegration is critical so as to ensure that cycles of violence and conflict are not perpetuated. It is critical to secure the long-term sustainability of interventions, and to support and invest in the capacity of national authorities to assume their lead responsibility in this regard.

Sri Lanka

31. In November 2006, I appointed former Ambassador Allan Rock as my Special Adviser to visit Sri Lanka to ascertain the situation on the ground, with a particular focus on the action plan for children and armed conflict agreed between the Government and the Liberation Tigers of Tamil Eelam (LTTE) following peace talks in 2002 and 2003. Under that plan LTTE committed to working with UNICEF to end the recruitment of children and facilitate the release of underage recruits in its ranks. With the full cooperation of the Government, my Special Adviser had access to all areas of the country and was able to gain extensive knowledge of the situation of conflict-affected children, primarily in the north and the east. The mission's initial findings revealed that LTTE has not complied with its commitments: underage recruitment continues and several hundred children have not yet been released, as verified by UNICEF. It was also ascertained that the breakaway Karuna faction of LTTE abducts children in Government-controlled areas of the east, and there is credible evidence that certain elements of the Sri Lankan army may have aided in this practice.

32. Following the visit of my Special Adviser to Sri Lanka, the following commitments were made:

(a) LTTE gave assurances that it would work with UNICEF to accelerate the release from its ranks of all children under the age of 17, with the objective of completing this process by the beginning of 2007. (Unfortunately, LTTE did not commit to the full release of children under the age of 18, in contravention of applicable national and international law.) It also committed to better training for its military commanders in relation to recruitment, and instituting a process to discipline those who do not comply;

(b) The Karuna faction undertook to publish formal policy statements forbidding underage recruitment and to release children who may be in its ranks. It also agreed to work with UNICEF in an effort to trace the whereabouts and arrange the release of those abducted children whose families have notified UNICEF;

(c) The Government of Sri Lanka committed to undertake an independent and credible investigation into the allegations that elements of the Sri Lankan army have aided the abduction and recruitment of children by the Karuna faction.

Sudan

33. In my mission to the Sudan in January 2007, I visited Juba in the south, as well as Darfur, noting that the conflict has affected most of the population. I concluded that there prevails a culture of impunity for violations against children. In Darfur, the situation is aggravated by an acute security vacuum, in the context of which armed groups terrorize and brutalize both the civilian population and humanitarian workers with full impunity. In Juba, the central issue was no longer the continuing recruitment of children, but the difficulties encountered in their reintegration into society and challenges related to the most basic infrastructure for the well-being of children.

34. I welcomed the initiatives of the Government of National Unity and the Government of Southern Sudan for the protection of children, including the process of reforming critical national legislation. Positive developments were also noted in dealing with sexual and gender-based violence, including through the establishment by the Khartoum State police in April 2006 of a unit specialized in issues related to children and women, undergoing training in Jordan. However, in our discussions I made it clear that much more had to be done to fight impunity and to protect women and children.

35. The following commitments were made by the Government of National Unity and the Government of Southern Sudan:

(a) To allow UNICEF and the United Nations Mission in the Sudan to visit and audit the Sudanese Armed Forces and the Sudan People's Liberation Army, as well as the military barracks of allied armed forces and groups, and to allow the United Nations, together with an appropriate Government focal point such as the National Commission for Child Welfare, to monitor and verify compliance;

(b) To allocate adequate resources for the reintegration of children associated with armed forces in their communities;

(c) To adopt and implement in a timely manner national legislation to criminalize the recruitment of child soldiers;

(d) To establish, jointly with the United Nations, a task force on sexual violence and abuse against children;

(e) To ensure the safety and protection of humanitarian personnel, including follow-up and action on recent cases of attacks against United Nations staff in Nyala and on the persistent incidents of armed robbery and other targeting of humanitarian personnel.

36. In addition, key signatories and non-signatories of the Darfur Peace Agreement committed to cooperate fully with the United Nations in the preparation of action plans to identify and release children associated with their forces and to institute a system of monitoring and verification.

37. In July 2007, the Security Council adopted resolution 1769 (2007), on the establishment of an African Union/United Nations hybrid peacekeeping mission in Darfur. The resolution is exemplary in that it requests that the protection of children be addressed in the implementation of the Darfur Peace Agreement and asks for continued monitoring of and reporting on grave violations against children and protection dialogue with parties to conflict for the elaboration of action plans. With

the anticipated deployment of 26,000 peacekeepers, this reflects the international community's concerns regarding lack of security for children and other vulnerable groups.

Burundi

38. The purpose of my visit to Burundi in March 2007 was primarily to follow up the recommendations of the Security Council Working Group on Children and Armed Conflict regarding the situation of children and armed conflict in the country. I was encouraged by the progress made to ensure greater protection for children and efforts to ensure the timely reintegration of children associated with armed groups. However, I remain deeply concerned about the continuing lack of full compliance on the part of the Forces nationales de libération.

39. The authorities made the following commitments:

(a) President Nkurunziza and senior ministers expressed their deep commitment to continue the Government's efforts to address child rights and protection in the peace consolidation phase;

(b) They recognized that all children associated with armed groups, whether in detention or in the ranks, must be released and reintegrated into their communities;

(c) They stated that no efforts would be spared to continue the fight against impunity for perpetrators of sexual violence, and in particular for such violations against minors;

(d) Regarding minors in detention, the authorities committed in the short term to ensure that children would be separated from adults during their detention.

40. Since my visit to Burundi I have also met with the Peacebuilding Commission to urge attention to the needs of conflict-affected children, in particular the need for longer-term reintegration strategies.

Democratic Republic of the Congo

41. I visited the Democratic Republic of the Congo in March 2007, meeting with the Prime Minister, senior ministers and many of the commanders in the eastern provinces. I urged the authorities to take timely and decisive action against violators of children's rights, and I called for the arrest of commander Biyoyo, who had previously been tried and convicted for recruitment of children and is currently at large. Despite strong commitments by the newly elected Government, I remain deeply concerned about the situation of children, especially in the eastern provinces.

42. It is critical to undertake all necessary measures to demobilize children who are still in the ranks of the non-integrated armed groups and in the Congolese Armed Forces. Proper reintegration of released children in their communities is crucial to avoid re-recruitment and to ensure stability in the peace process. Long-term development strategies are required, as well as appropriate allocations of funds to support the efforts of UNICEF and child protection partners. I was also deeply concerned by the extent of sexual violence in the eastern part of the country and the climate of impunity that prevails for such crimes. I visited Panzi hospital and spoke with many girls who had been subjected to multiple rapes and humiliation and was

able to learn of the efforts by the United Nations Population Fund (UNFPA) and partners to deal with this terrible problem.

43. The Congolese authorities made the following commitments:

(a) To take measures, in consultation with the United Nations, to tackle the issues of child recruitment and sexual violence;

(b) To take all necessary measures to rearrest commander Biyoyo;

(c) To take effective action to fight impunity of armed groups, such as those led by Laurent Nkunda and the Forces démocratiques de libération du Rwanda;

(d) To take steps, in consultation with the United Nations, to fight impunity.

Lebanon

44. The situation in the Middle East has been a continuing concern to child protection actors, especially after the war between Lebanon and Israel in 2006. In Lebanon I met with the Prime Minister and other senior government officials. I also met with many children, particularly in the south, including the hard-hit town of Bint Jbeil, and in the Shatila Palestinian refugee camp in south Beirut. I was impressed by their resilience, but the hidden psychological effects and the long-term consequences should not be underestimated. Lebanese children have also suffered directly from the surrounding violence: they account for one third of all civilians killed, a third of the injured and half of the over 1 million people forced to flee their homes. Forty schools in affected areas were totally destroyed, and school dropout rates increased dramatically because of insecurity. In addition, children are particularly exposed to the hundreds of thousands of unexploded cluster munitions fired by the Israel Defense Forces in the last three days of the conflict. Relatively little is known about the use of children as soldiers in Lebanon. There are no reports of underage recruitment in the regular armed forces and only anecdotal evidence of their presence in the armed faction of Hizbullah. However, there are significant concerns that the dire situation of Lebanese youth, the ongoing political violence and the desperate social and economic conditions may prompt children to become involved in armed conflict.

45. During my interactions with the Government, the authorities expressed their willingness:

(a) To prioritize the protection of children and, with help from the international community, to provide adequate education and psychosocial support to children;

(b) To move forward with the ratification of the relevant Optional Protocol to the Convention on the Rights of the Child once the parliamentary process is in motion. Hizbullah gave its commitment to support this initiative.

Israel and the occupied Palestinian territories

46. In Israel and the occupied Palestinian territories, I also chose to spend most of my time interacting with the children. As in Lebanon, I noted that they were playful and resilient, but I was disturbed by their expressions of fear, anxiety, anger, revenge and hopelessness. I met with the Foreign Minister and other high-level Israeli officials, and while recognizing their legitimate security concerns, I

expressed my deep reservations about the barrier erected to separate the West Bank from Israel and pointed out its humanitarian consequences for children's health, education and right to freedom of movement. I also called for the release of customs and tax revenues due to the Palestinian Authority for health and education expenditures. I raised the issue of detained Palestinian children and urged that a different approach be taken to children found responsible for minor offences. I noted that there were approximately 400 children in detention, and my conversations with some of them indicated that they were extremely hard and bitter after the experience, thus feeding the cycle of violence. While meeting with the Palestinian authorities, I expressed my concerns about the use of children for political and armed violence and about the need to engage with UNICEF to devise a plan of action to prevent the use of children in such violence.

47. During my visit, the following commitments were made:

(a) President Abbas and Foreign Minister Abu Amr committed to reviving among Palestinian groups the code of conduct by which children are not to be involved in political violence;

(b) They expressed their willingness to devise a plan of action with UNICEF to prevent the use of children in such violence;

(c) Both the Palestinian Authority and the Israeli Government indicated that they were ready to review school curricula to prevent incitement to violence and hatred, and to explore ways of reviving the tripartite commission to ensure cooperation in this field, including the integration of peace education.

Myanmar

48. The aim of my visit to Myanmar in June 2007 was to establish the Myanmar United Nations task force on children and armed conflict and to discuss the modalities of monitoring and reporting on grave violations of children's rights with high-level officials, including the Secretary-1 of the State Peace and Development Council, Lieutenant General Thein Sein, as well as the United Nations country team and child protection partners. I was able to hold a substantive discussion with the Government of Myanmar Committee for the Prevention of Military Recruitment of Underage Children. I was also able to meet with one of the non-State actors listed in the report of the Secretary-General on children and armed conflict (A/61/529-S/2006/876 and Corr.1), the United Wa State Army.

49. The following commitments were made:

(a) To facilitate the monitoring and reporting modalities, the authorities assigned the Director-General of the Ministry of Social Welfare, Relief and Resettlement to act as the government focal point on matters relating to the implementation of Security Council resolution 1612 (2005);

(b) The Wa representative expressed confidence that the United Wa State Army would be amenable to discussing modalities of an action plan with UNICEF, and that it would welcome further development assistance, especially regarding education;

(c) Regarding the inclusion of other non-State parties to the conflict in the process relating to resolution 1612 (2005), it was agreed with the Myanmar authorities that further discussions would be undertaken to finalize arrangements for

the country team to engage the Karen National Union and the Karenni National Progressive Party on action plans to halt the recruitment and use of children.

Follow-up to the field visits

50. The critical challenge is to ensure timely follow-up to commitments made, especially for their practical implementation. The main responsibility for this lies with the United Nations country teams, with additional political-level support from the Special Representative as necessary. It is important not to lose momentum and to agree to clear and time-bound action plans and benchmarks to address violations. Additional resources for monitoring and reporting and the necessary programme response for reintegration efforts should not be underemphasized.

VI. Concluding recommendations

51. **It has been more than 10 years since the publication of the Graça Machel study on the impact of armed conflict on children (A/51/306 and Add.1). A strategic review of that groundbreaking report has been carried out in a multi-stakeholder process co-convened by the Office of the Special Representative and UNICEF, involving United Nations system partners, Member States, NGOs and other representatives of civil society, as well as children themselves. I urge Member States to give the recommendations set out in part two of the present report due attention and consideration.**

Part two

I. The Machel study and the 10-year strategic review

"Children are both our reason to struggle to eliminate the worst aspects of warfare, and our best hope for succeeding at it."

— Graça Machel[1]

1. The landmark 1996 United Nations report "Impact of armed conflict on children" (A/51/306 and Add.1) proposed comprehensive actions to improve the protection and care of children affected by armed conflict. Known as the Machel study because of its author, the expert of the Secretary-General, Graça Machel, the report remains widely used as a foundation for programme and advocacy. The General Assembly unanimously welcomed the report in its resolution 51/77, in which it also established the mandate of the Special Representative of the Secretary-General for Children and Armed Conflict.

2. The present report results from a tenth-anniversary strategic review of the Machel study co-convened with UNICEF. This is the first review presented to the General Assembly since 1996; it addresses the full range of issues for children affected by armed conflict, beyond the specific mandate of the Special Representative.[2]

3. The strategic review featured a consultation process involving Member States, United Nations entities,[3] civil society organizations, the International Committee of the Red Cross and independent experts. Sectoral, thematic and regional submissions were contributed or commissioned and expert meetings convened. A special consultation process reached more than 1,000 children and youths through focus groups in 18 war-affected countries, and an online survey reached more than 300 in another 91 countries.

4. As stated in the Machel study, "war violates every right of a child — the right to life, the right to be with family and community, the right to health, the right to the development of the personality and the right to be nurtured and protected".[4] While the recruitment and use of children by armed forces and armed groups has dominated attention in the last decade, all impacts of armed conflict on children must be redressed.

5. Many conflicts last longer than the duration of childhood. The present report focuses on children, but at times analysis is extended to youth, defined by the General Assembly to be those aged 15 to 24. We should recognize the capacities and agency of children and youth, and avoid characterizing children and youth as vulnerable or as delinquents who pose a threat to security. Moreover, adults are responsible for environments of conflict and violence.

6. The findings and recommendations of this strategic review are presented within an outline that seeks to capture the multifaceted ways in which conflict affects children. Experience in the last decade demonstrates that our actions are

[1] A/51/306, para. 6.

[2] A five-year review was commissioned by Canada for an International Conference held in Winnipeg in 2000 (see A/55/749).

[3] Includes departments, offices, agencies, funds and programmes.

[4] A/51/306, para. 30.

ineffective when they focus too narrowly on one violation or one sector. The report approaches issues in a cross-cutting manner:

(a) Changing characteristics of armed conflict and consequences for children;

(b) Political engagement and the legal and normative framework;

(c) System-level developments, including guidelines, monitoring and reporting and funding;

(d) Comprehensive response, including basic services, programming concerns and prevention.

7. The Machel study galvanized significant action and progress for children in 10 years. Building on the foundation provided by the Convention on the Rights of the Child, which details comprehensive rights for children at all times, highlights of progress in the last decade include a strengthened international legal framework and the first prosecutions of perpetrators by international tribunals.

8. Much more remains to be done. The roles and responsibilities of all Member States are essential in regard to this issue. Greater will and commitment are needed to accelerate accountability and operationalize legislation, policy and action at the national and field levels.

II. Changing characteristics of armed conflict and consequences for children

"We were scared working inside our homes; we were scared working outside our homes. We never knew what was going to happen."

— Nepali child[5]

9. The Machel study noted with concern how war tactics had changed, with civilians, including children, increasingly becoming targets of violence and atrocities. The last decade has featured growing recognition of the changes to the character of armed conflict. An emerging body of United Nations reports and research illustrates that changing characteristics of armed conflict have created new threats to children.

10. As stated by the Secretary-General "there is no universally applicable definition of 'armed conflict'".[6] Analysis of reports monitoring battle deaths shows that the number of conflicts for 2005 ranged from 17 to 56 worldwide.[7] The lower figure pertains to conflicts with more than 1,000 battle deaths and the higher derives from a threshold of 25 battle deaths, allowing for the inclusion of lower-intensity conflicts and those where the parties to the conflict do not include a State. The

[5] All children's quotes are taken from focus groups conducted for this review.

[6] A/59/695-S/2005/72, para. 7.

[7] *SIPRI Yearbook 2007*, Oxford University Press, June 2007; and the Human Security Centre's *Human Security Report 2005: War and Peace in the 21st Century*, New York, Oxford University Press.

Secretary-General's 2006 report on children and armed conflict[8] addressed 19 situations.

11. One-sided violence has become a feature of many of today's armed conflicts, with poorly resourced and lightly armed groups often preying on civilians. Yet as the Machel study reported, in addition to thousands of children being killed and wounded every year as a direct result of fighting, many more children in conflict contexts die from malnutrition and disease. The International Rescue Committee's mortality survey of conflict-affected provinces in the Democratic Republic of the Congo, covering a three-year period, reported that 86 per cent of deaths were caused by indirect consequences of war, with children disproportionately affected.[9]

12. Another emerging understanding concerns "asset wars", where economic interests commercialize and prolong conflict. Misuse of natural resources, such as diamonds, or the scarcity of resources, such as water, can fuel conflict. Such conflicts often become self-perpetuating and protracted. The Secretary-General has noted, "the illicit exploitation of natural resources ... serve[s] to intensify the vulnerability of children in conflict situations, as well as in transitional and post-conflict situations".[10]

13. Many of today's conflicts involve non-State actors and shifting landscapes of transnational organized crime. Security vacuums feature an increase in paramilitary forces and the privatization of conflict. Situations of armed violence fall into grey areas as traditional definitions of armed conflict erode. Despite distinctions in legal frameworks, the experience for children is the same. The situation in Haiti clearly highlights how, in a conflict-affected State with extreme poverty and corruption, armed groups, many with links to political parties, can quickly move towards organized crime, including drug and arms trafficking. A child recruited by an armed group one day may be labelled a gang member the next as political realities evolve.

14. Over recent years, terrorism has come to define the security discourse. One of the most striking instances of terrorism aimed at children was the Beslan school hostage-taking in the northern Caucasus in 2004. Of great concern is the use of children in suicide attacks and the fact that such attacks are disproportionately against civilians, often perpetrated in places of worship, market squares and other public places. As recently affirmed by the General Assembly, "acts, methods and terrorism in all its forms and manifestations are activities aimed at the destruction of human rights".[11] Also of great concern are situations where children are subject to legal grey areas and counter-terrorism measures that violate international juvenile justice standards.

15. While significant progress has been made in the last decade on anti-personnel mines, resulting in a marked decrease in casualties, the proliferation and accessibility of small arms and other improvised munitions continue to endanger children. The widespread availability and misuse of small arms and light weapons can contribute to a sustained culture of violence and the "rule of the gun". A variety

[8] A/61/529-S/2006/826 and Corr.1.

[9] International Rescue Committee, *Mortality in the Democratic Republic of Congo: Results from a Nationwide Survey*, conducted September-November 2002, reported April 2003.

[10] A/59/695-S/2005/72, para. 148.

[11] Resolution 60/288, seventh preambular paragraph.

of explosive devices continue to kill and maim children in about 85 conflict and post-conflict countries.

16. While new features of conflict may have emerged, the impact on children remains as brutal as ever. This review found that an attempt to aggregate numbers would give inaccurate results, and instead describes specific issues and contexts illustrating the impact of conflict on children.

17. The frame of grave violations in situations of armed conflict proposed by the Secretary-General for priority attention in global monitoring and reporting provides a starting point for examining the impacts of conflict on children.[12]

18. The killing or maiming of children is defined as any action that results in death or permanent or disabling injury, scarring, disfigurement or mutilation. With increased blurring of the distinction between civilians and combatants, as described above, children bear a heavy toll of mortality. Often threats continue even after hostilities cease; hundreds of thousands of cluster bombs left in Lebanon in 2006 pose a particular risk to children, heavily contaminating school grounds and agricultural lands. Globally, more than a third of casualties from explosive remnants of war are children.

19. While at the normative level there has been significant progress in addressing the recruitment or use of child soldiers in the last decade, large numbers of boys and girls continue to serve as fighters, cooks, porters and messengers, and to be used for sexual purposes. Since 2002, the Secretary-General has listed parties that recruit or use children in situations of armed conflict in 18 countries.[13] That estimate is at the lower end; in 2004 the Coalition to Stop the Use of Child Soldiers identified 43 countries where either illegal recruitment or use was "indicated".[14]

20. Attacks against schools or hospitals, including the occupation, shelling or destruction of facilities, as well as harm to personnel, have risen dramatically in recent years. Such attacks not only directly harm the individuals involved but severely limit others' access to basic services. A recent study commissioned by the United Nations Educational, Scientific and Cultural Organization provides sobering statistics on attacks against schools, teachers and students.[15] In Afghanistan, over 100 bombing, arson and missile attacks were made against educational facilities in the first half of 2006, and approximately 105,000 children were denied access to education because of insecurity.[16]

21. Widespread rape or other grave sexual violence continues to be committed in virtually every conflict situation and can take the form of sexual slavery, forced prostitution, sexual mutilation or other forms of brutality. In the Democratic Republic of the Congo, a climate of impunity has resulted in rampant sexual violence, with children representing an alarming 33 per cent of victims.[17] Gender-based violence often leads to severe and long-lasting health problems, including early pregnancies, fistula, infections, HIV/AIDS and psychological trauma. Rape

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[12] A/59/695-S/2005/72, para. 68.

[13] Countries are referred to only to indicate the locations or situations where offending parties are committing the violations in question.

[14] *Child Soldiers Global Report 2004*.

[15] ED/EFA/2007/ME/18.

[16] A/61/529-S/2006/826, para. 14.

[17] S/2007/391, para. 40.

victims and children born as a result of rape are often marginalized. In Rwanda and the Democratic Republic of the Congo, for example, children born of rape are at times referred to as "children of hate" and at times even "the enemy's children".

22. Abduction of children can be politically motivated or for purposes of recruitment, sexual exploitation or forced labour. The number of abductions in northern Uganda since the onset of conflict is estimated at 25,000.[18] Recent reports of the Secretary-General note abductions in Burundi, Chad, Côte d'Ivoire, the Democratic Republic of the Congo, Nepal, where some 22,000 students were abducted by Maoists between 2002 and 2006, Somalia, Sri Lanka and the Sudan.

23. The denial of humanitarian access for children, whether deliberate or the result of a deteriorating security situation, deprives children of assistance and violates their basic rights, including the right to life. In Chad, the Secretary-General reported that the theft of 118 humanitarian vehicles by armed persons in 2006 seriously deterred humanitarian efforts.[19]

24. A number of other conflict-related issues not listed among the six grave violations have a significant impact on children's lives. Illegal detention has been highlighted as a violation requiring greater attention. In April 2007 the Special Representative expressed concern about the detention of 400 Palestinian children held in Israeli prisons, often for minor offences, denied family visits and due process, and sometimes tried by military tribunals, in violation of juvenile justice standards.

25. Forced displacement uproots children and youths at a time when their lives most need stability. During flight and displacement, children can become separated from their families, further exposing them to exploitation and abuse. Analysis undertaken for this review found that in 2006, an estimated 18.1 million children were among populations living with the effects of displacement; within that group, there were an estimated 5.8 million refugee children and 8.8 million internally displaced children.[20]

26. During and after conflict, the risk of sexual exploitation and abuse increases dramatically. This is perhaps most strikingly visible in persistent allegations of sexual exploitation and abuse of minors by peacekeepers. The Under-Secretary-General for Peacekeeping Operations has acknowledged the endemic nature and exploitative dimensions of the problem, pointing out that some allegations involved girls as young as 13 years of age receiving food in exchange for sexual services.

27. Children have increasingly been pulled into hazardous work, as parties to conflict seek new sources of revenue to sustain military campaigns. In the Democratic Republic of the Congo, where the United Nations Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of that country determined that the war was mainly about access to, control of and trade in

[18] S/2007/260, para. 10.

[19] S/2007/400, para. 47.

[20] Figures here result from an assessment of a combination of data from the Office of the United Nations High Commissioner for Refugees, the United Nations Relief and Works Agency for Palestinian Refugees, the United States Committee for Refugees and Immigrants and the Internal Displacement Monitoring Centre of the Norwegian Refugee Council.

key mineral resources,[21] children are commonly found working in mines and used in trafficking or as security guards.

28. Whether as a cause or as a consequence, conflict is a significant obstacle to achievement of the Millennium Development Goals:

(a) Of the 20 countries with the highest under-five mortality rate, 15 are currently experiencing complex emergencies in at least a part of the country;

(b) At least 50 per cent of out-of-school children of primary-school age are living in conflict-affected countries.[22]

29. The disintegration of basic social services that accompanies conflict further weakens coping mechanisms. For instance, in Sierra Leone more than 60 per cent of rural health-care units were non-functional in the immediate aftermath of war. In Southern Sudan, inadequate attention to the nutrition status of adolescents at one point contributed to mortality rates above 20 per 10,000 people per day.[23] For education in northern Uganda, classes of 200 or more are common; students sit in cramped conditions, with few books, listening to a teacher who has little professional training. In contexts such as Chad, Darfur and Iraq, reduced access to and availability of safe water and sanitation have increased endemic diarrhoea and affected school attendance, especially of girls.

30. Social protection systems are overstretched such that children who are orphaned, disabled or vulnerable in other ways may need special attention. Children and young people are not a homogeneous group. Young children are more vulnerable to visible health risks, adolescent girls may be targeted for sexual violence and boys may be singled out for recruitment. Conflicts and their aftermath can last the length of childhood and adolescence, compounding physical, social, emotional and cognitive risks.

31. In a globalized world, local and regional destabilization has global repercussions. Not only is responding to conflict a moral obligation; protection is in the direct security interests of all States.

III. Political engagement and the legal and normative framework

"People see violence, they grow up with it, and they know it. They repeat it .... And there is nothing to stop violence, there is impunity." — Haitian boy

32. The Machel study launched global mobilization that yielded gains in the international political and legal spheres. However, widespread violations occur daily against children, demanding further concerted action and engagement. The General Assembly is uniquely placed to deepen its engagement by systematically addressing all violations against children and the full breadth of impacts faced by children in conflict situations.

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[21] S/2003/1027.

[22] Save the Children, "Last in line, last in school: how donors are failing children in conflict-affected fragile states", 2007.

[23] Salama, P., Spiegel, P., Talley, L. and Waldman, R., "Lessons learned from complex emergencies over the past decade", *Lancet* 2004; 364: 1801-13.

33. Important intergovernmental action includes the Millennium Development Goals, all of which have an impact — and six of eight have a specific focus — on children. In 2002, at its special session on children, the General Assembly adopted the final document of the session, entitled "A world fit for children",[24] whose four goal areas strongly reinforce the Millennium Development Goals. Conflict-affected countries frequently show limited progress towards the goals and indicators of the Millennium Development Goals and the "World fit for children" commitments, and sometimes they even regress. Rather than concluding that those goals are too ambitious, efforts towards their achievement should be accelerated.

34. Security Council resolution 1261 (1999) affirmed the protection of children as a peace and security concerned initiated the progressive consideration of children in armed conflict by the Council. Reports of the Secretary-General to the Council on children and armed conflict have since provided an essential base for situation-specific actions required of Member States and other stakeholders.

35. An innovation in addressing the conduct of parties to conflict followed the adoption of resolution 1379 (2001), in which the Security Council recommended that the Secretary-General list parties recruiting and using children in armed conflict. In its resolution 1460 (2003) the Council called on parties to prepare and implement concrete, time-bound action plans for the cessation of all violations against children. Action plans provide a mechanism to engage parties in practical steps to fulfil their obligations in regard to children. Although the Council expressed its intention to take targeted measures against perpetrators on the lists, action in this regard remains a pressing challenge.

36. Another milestone was the adoption of resolution 1612 (2005), in which the Security Council established a monitoring and reporting mechanism and the Working Group on Children and Armed Conflict. By August 2007 that Working Group had considered 10 country reports, making specific recommendations for each context and taking such actions as public statements to parties by the Chairman. Resolution 1612 (2005) is resulting in progressive action by some countries, including Myanmar, Nepal, Sri Lanka and Uganda, to establish mechanisms, whether or not they are on the Council's agenda.

37. The continued success of the Working Group will depend on the potency of its recommendations. All States should ensure timely follow-up to the recommendations and conclusions of the Working Group. Further, whereas focus has been on the recruitment and use of child soldiers, all grave violations against children require comparable attention.

38. The Machel study urged regional and subregional bodies to formulate action plans to protect children. Though some progress has been achieved, the engagement of regional bodies remains inconsistent. The establishment of the child protection unit within the Economic Community of West African States in 2002 was a promising initiative, but the unit ceased to exist in November 2006. The European Union's guidelines and implementation strategy on children and armed conflict, which include ways of contributing to the mechanism established by the Security Council in its resolution 1612 (2005) are an important milestone with great potential. Regional bodies should define policies on children affected by armed

[24] Resolution S-27/2, annex.

conflict and promote compliance with international standards through, inter alia, peer review mechanisms.

39. The last 10 years have witnessed increased inclusion of children in a wide range of negotiations, agreements and peacekeeping and peacebuilding efforts. Children's concerns have also been more consistently included in peace agendas and treaties. Clauses on children in peace agreements should be specific and their goals achievable.

40. Challenges remain for enforcing compliance. For example, while in the Sudan the Comprehensive Peace Agreement included a specific benchmark to demobilize all child soldiers within six months of the signature of the Agreement, only an estimated 1,000 children had been released one year later, despite estimates of "the significant presence" of children within the armed forces and other armed groups.[25] Robust monitoring mechanisms should be established and continuous dialogue maintained with all parties to ensure compliance with their commitments.

Legal and normative framework, instruments and standards

41. Significant advances have been made since the Machel study in both the development of the international legal and normative framework and the adoption of instruments at the national level.

42. Progress has been especially significant on the issue of the recruitment and use of children. While the recruitment of children under 15 and their direct participation in hostilities were prohibited by the Additional Protocols to the Geneva Conventions, the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, adopted in 2000, detailed the standards against the use of children in armed conflict and raised the minimum age of participation to 18 years. International Labour Organization Convention No. 182, defining child soldiering as among the worst forms of child labour, and the African Charter on the Rights and Welfare of the African Child are other examples of progress.

43. The international community mobilized to combat the threat of anti-personnel landmines with significant success, adopting the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction. In addition to 154 ratifiers and 2 signatories, 34 non-State armed groups have committed to its objectives. The 2006 Convention on the Rights of Persons with Disabilities and its Optional Protocol provide guidance to States on how best to assist victims of mines and explosive remnants of war, among others. The process initiated by the Oslo Declaration to create a legally binding instrument to prohibit cluster munitions by the end of 2008 deserves support.

44. The prosecution of crimes against children has advanced significantly. In 1998 the Rome Statute of the International Criminal Court established a vital tool to address impunity by codifying grave violations against children. The Court has charged Ugandan and Congolese commanders with recruiting and using children in hostilities.

[25] S/2006/662, para. 50.

45. Special tribunals have set important precedents in holding perpetrators accountable. The ruling by the Special Court for Sierra Leone that the recruitment or use of children under 15 in hostilities is a war crime under customary international law and its recent conviction of military commanders for recruiting children are notable achievements. The International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda set vital precedents by prosecuting sexual violence and rape as crimes against humanity and instruments of genocide.

46. Some national legal systems have also taken steps to hold perpetrators accountable. In March 2007, a local tribunal in the Democratic Republic of the Congo prosecuted and sentenced a military commander for the recruitment and use of children.

47. Vital progress on child participation in justice processes has been made. The International Criminal Court precluded the prosecution of children and adopted child-friendly procedures and protective measures on the participation of children as witnesses. Children are also playing important roles in national transitional justice processes. The Sierra Leone Truth and Reconciliation Commission provided a model for ensuring children's participation throughout its process, which included the protection of a child-friendly version of the final report.

48. International juvenile justice standards for the treatment of child offenders are now more commonly endorsed by States. However, their application in conflict situations has been limited, often resulting in prolonged and arbitrary detention, illegal arrest and torture. States should uphold juvenile justice standards at all times — with regard to access to legal assistance, protection and separation from adults — resorting to detention only as a last resort.

49. Despite the broad and rapid acceptance of international legal standards for the protection of children in armed conflict, a significant gap remains between the standards and their implementation. With specific regard to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, the enactment of national legislation is lagging. The work of the Committee on the Rights of the Child in reviewing country reports and delineating implementation actions at the national level is important in bridging this gap. Though States are obliged to report on implementation, many country reports are overdue. States should meet reporting obligations to the Committee and ensure timely and sustained follow-up at the national level of the Committee's recommendations.

50. Implementation may also be undermined in some cases by operational challenges. Child victims encounter obstacles to justice, such as lack of witness protection, assistance and legal aid. The ratification of international instruments must be accompanied by comprehensive reform, including the revision of relevant national laws, the establishment of child-friendly procedures and the training of all actors.

51. Another area for national legislation concerns the need for labour and disclosure provisions that address private sector actors whose activities in conflict situations may relate to the exploitation of children.

52. Related to the need for specific actions to control the illicit trade in small arms and light weapons, as called for in Security Council resolutions 1460 (2003), 1539 (2004) and 1612 (2005), an international arms trade treaty establishing common

international standards for the import, export and transfer of conventional arms could help reduce the illicit trade in small arms and light weapons and its adverse impact on children.

53. The troubling dichotomy between the advances in norms at the international level and the prevalence of serious violations of children's rights on the ground points to the continuing need to translate political engagement and legal norms into tangible gains for children.

IV. System-level developments

"We have no future. No one guarantees anything for us. The decision makers institutions do not hear about our hardships. This room is the only one that hears us." — Kosovar child

54. The past decade has featured significant system-wide developments related to children affected by armed conflict. New intergovernmental and inter-agency policies, guidelines, mainstreaming and coordination efforts have begun to improve response by States, the United Nations and other actors. Yet greater investment and coherence are needed, particularly on monitoring, reporting and capacity, and the participation of children remains insufficiently supported.

55. Policies and guidelines adopted in the last decade form essential complements to progress on international legal norms. Important intergovernmental guidance related to conflict-affected children includes the Guiding Principles on Internal Displacement (1998), the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (2005) and the Paris Commitments (2007).

56. Where the Machel study found troubling denial regarding sexual exploitation and abuse, the Secretary-General's bulletin "Special measures for protection from sexual exploitation and sexual abuse"[26] has institutionalized consistent disciplinary measures for United Nations peacekeepers and staff members, and influenced a number of other actors to create their own codes of conduct.

57. The Integrated Disarmament, Demobilization and Reintegration Standards (2006) and Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (2007) represent major progress and now require effective implementation. As part of this, child disarmament, demobilization and reintegration, rights training and justice concerns need to be systematically incorporated into emerging work on security system reform.

58. Other inter-agency standards and guidelines reflect an increased emphasis on humanitarian accountability and provide frameworks for improving the quality and effectiveness of responses:

(a) Sphere Humanitarian Charter and Minimum Standards in Disaster Response (2000), with revisions including child-focused indicators and guidance (2004);

(b) Operational Guidance on Infant and Young Child Feeding in Emergencies (2001);

[26] ST/SGB/2003/13.

(c) Inter-Agency Guiding Principles on Unaccompanied and Separated Children (2004);

(d) Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction (2004);

(e) United Nations inter-agency policy on mine action and effective coordination (2005);

(f) The Inter-Agency Standing Committee's guidelines for HIV/AIDS interventions in emergency settings (2004), gender-based violence interventions in emergency settings (2005) and mental health and psychosocial support in emergency settings (2007).

59. Instruments have also emerged to regulate corporate entities, including the Organization for Economic Cooperation and Development Principles, the United Nations Human Rights Norms for Business and a host of industry association principles, such as those of the Global Compact. With active engagement, the private sector can further these initiatives to effect real change for children.

60. Just as the challenge in regard to progress in the international legal framework is implementation, the application of these policies and guidelines requires political commitment, wider dissemination, adaptation to local contexts and adequate resources.

United Nations mainstreaming and coordination

61. The role of UNICEF, as the lead agency for children, and that of the Special Representative are fundamental to United Nations work on children and armed conflict. The Office of the Special Representative, since its establishment following the Machel study, has filled a critical role within the United Nations system. The Office engages in high-level advocacy, including through field missions to specific situations of concern, reports to the General Assembly, prepares the annual report of the Secretary-General to the Security Council on children and armed conflict and is a key player, with UNICEF and United Nations country teams, in the monitoring and reporting mechanism established under Security Council resolution 1612 (2005).

62. The Task Force on Children and Armed Conflict, led by the Special Representative, brings together other relevant United Nations entities. While the Task Force has traditionally focused on preparing annual reports to the Security Council, more effort is needed to address specific reporting work and strategic discussion on children and armed conflict issues.

63. Improvements have been made in mainstreaming children's concerns into United Nations decision-making: such concerns are regularly considered by the Executive Committees and have featured in its discussions on the responsibility to protect and on rule of law. Other intergovernmental and inter-agency forums, including the Human Rights Council, the Peacebuilding Commission, the Peacebuilding Fund and the United Nations interdepartmental Framework Team on Early Warning and Prevention, should also include children's issues on their agendas.

64. The Department of Peacekeeping Operations, UNICEF and the Special Representative have worked together since 1999 to ensure that peacekeeping

operations incorporate children's issues and include child protection advisers. This has expanded capacity to gather information on violations against children and led to the inclusion of child protection in induction training for peacekeepers. Effective partnerships should be developed among the Department of Peacekeeping Operations, UNICEF, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other relevant actors at both the headquarters and the field level; and the Department of Peacekeeping Operations needs further child protection expertise at headquarters.

65. The Office of the United Nations High Commissioner for Refugees (UNHCR) deploys child-specialized staff in the early phase of response, and now requires annual participatory assessments as part of its age, gender and diversity mainstreaming strategy. The United Nations Development Programme has a new emphasis on youth and conflict, and UNFPA a focus on reproductive health and HIV programming for youth. These efforts should be extended and reinforced.

66. The Inter-Agency Standing Committee's humanitarian reform efforts are aimed at ensuring greater coordination, predictability and accountability in emergency response. Humanitarian coordinators consulted for this strategic review described increased "ownership" of children's concerns by United Nations field leadership and humanitarian actors. Children's concerns in emergencies have been increasingly recognized, with specific working groups in the areas of protection and health and an education cluster being established.

Cooperation with civil society actors

67. Non-governmental organizations (NGOs) can play a critical role in advocacy for and support of children affected by armed conflict. Following the Machel study, the Coalition to Stop the Use of Child Soldiers was formed in 1998 and was instrumental in working towards the adoption of the Optional Protocol. The Inter-Agency Network for Education in Emergencies, established in 2000, has achieved a set of minimum standards on education that elaborate on recommendations of the Machel study.

68. With growing corporate interest in social responsibility, the role of the private sector is emerging in different ways. When United Nations investigations in Sierra Leone and the Democratic Republic of the Congo exposed the complicity of some international corporations, reputable corporate actors began to regulate trade flows and support human rights standards. A good example is the Peace Diamond Alliance in Sierra Leone, which has brought two major diamond buyers together with the Government, NGOs and donors to govern production, monitor violence and ban the use of child labour. Expanding public/private alliances have potential for addressing war's impact on children.

69. While the media sometimes have a negative impact through violent images or biased messaging, they have great potential for positive influence, including by providing children and youth the opportunity to express their own ideas and opinions. Despite the unstable situation in regions in Somalia, radio penetration is strong; in fact, one of the focus groups for this review was conducted there through a radio show led by young people.

Participation of children and youth

70. Participation is guaranteed in the Convention on the Rights of the Child, article 12. While opportunities for conflict-affected children and youth to participate in activities are expanding, their participation in decision-making remains limited. In work for this review in northern Uganda, the Women's Commission for Refugee Women and Children found diverse understandings of participation, with most humanitarian actors highlighting theatre or sports activities rather than decision-making roles.

71. One common form of participation is the establishment of organized clubs and groups. In the Gulu region of northern Uganda, more than 200 registered youth groups are providing social services and support to communities, including HIV/AIDS-awareness and income-generating activities, despite inconsistent financial support.

72. Where children have access to information, are members of organizations and are involved in decisions that affect them, they are better able to protect themselves, survive and develop. Both conflict and post-conflict situations are often characterized by intense politicization; more serious effort should be made to understand the motivations of young people and respond with a view to enabling participation and change in non-violent ways.

Monitoring, reporting and analysis

73. As noted, the monitoring and reporting mechanism set up pursuant to Security Council resolution 1612 (2005) is a milestone in terms of meeting the information needs for Security Council action. The Special Representative of the Secretary-General for Children and Armed Conflict, in cooperation with UNICEF, should continue to play a coordinating role at this level. However, capacity at the operational level remains inadequate and requires greater financial and human resources for United Nations entities and other key actors. Further efforts are needed to draw from the various reporting systems of peacekeeping missions, OHCHR, UNHCR, UNICEF and others, including civil society organizations. Moreover, it is important to ensure that the monitoring and reporting mechanism is more effective in informing programmatic responses.

74. Beyond the resolution 1612 (2005) mechanism, there is a need to strengthen information analysis on children across diverse monitoring and reporting systems in conflict-affected countries. Data collection tends to be weak and insufficiently disaggregated by geographic region, age and gender. National surveillance systems for health, education and social services are fundamental components of information systems and should be strengthened to support analysis. The UNICEF multiple indicator cluster survey, undertaken at three-year intervals, provides rich statistical data on the situation of children and could be customized for conflict-affected countries.

75. A common framework and inclusive system are needed to better capture the range of qualitative data available from those systems, in addition to the more common incident-based documentation. Inter-agency leadership is especially needed from UNICEF and the Office for the Coordination of Humanitarian Affairs to map existing efforts and systems, clarify the objective of data collection, design a global

monitoring framework, standardize definitions and indicators and build a common information management system.

76. Research also needs to be more systematically aligned with field needs and identify promising models. While research efforts and academic partnerships on some issues have been growing, results are insufficiently rigorous and comparative and typically fail to measure long-term impact.

Capacity and financing

77. Capacity-building projects to enhance the care and protection of children affected by armed conflict have improved in the past decade. One example is Action for the Rights of the Child, an inter-agency training initiative used worldwide with a range of local stakeholders, including police and military, government officials and children. At all levels gaps remain; there must be more systematic efforts at the global and country levels for improved surge capacity, gap analysis, creation of professional tools and training.

78. Since the Machel study, new financing mechanisms have been established, including the Good Humanitarian Donorship initiative, the Central Emergency Response Fund grant facility and common humanitarian funds. Despite improvements, reporting is rarely disaggregated, making it difficult to discern the extent to which funding patterns match children's needs. Short-term relief alone is not an appropriate or effective response to conflict; humanitarian support continues to be disbursed for time frames as short as three to six months and should more consistently ensure the sustained programming children need.

79. Research for the present review studied a series of consolidated appeals (2003-2006) for 11 countries affected by armed conflict. In most of the common humanitarian action plans, children were included as part of "vulnerable groups", deflecting attention from child-specific priorities. Funding for specific child protection activities averaged 22 per cent of total protection contributions for those appeals, ranging from 4 per cent in Somalia to 46 per cent in Liberia. Recent analysis by the International Save the Children Alliance showed that conflict-affected fragile States received less than a fifth of total education aid from 2003 to 2005, though they had about half of the world's out-of-school children. The gaps in resources for children affected by conflict are so extreme that it is clear that a quantum leap in funding is needed.

V. Towards a comprehensive response

"NGOs and the United Nations have been working in our areas, supporting us. They are all leaving now, and this is making everything worse."
— Sri Lankan child

80. States have the primary responsibility to respect, protect and fulfil children's rights. In partnership with United Nations agencies, NGOs and civil society, States should:

(a) Provide access to a full range of quality basic services;

(b) Develop protection systems and supports;

(c) Address special concerns, such as community-based reintegration, gender-based violence, transitional justice and peacebuilding.

81. Health, nutrition, education, water and sanitation, and shelter are among the daily needs of every child. Recent years have seen gains in the blending of humanitarian and development principles across these sectors. Basic service interventions require support for, and alignment with, existing government or civil society systems, even when non-State providers are involved.

82. In conflict, a common challenge to service delivery is the need to scale up across large and often insecure geographical areas. Infrastructure is needed, as well as support for recurrent costs and training for teachers, health workers, nutritionists and others. Challenges along these lines are compounded by donor reluctance to invest while conflict continues. The provision of basic services for children should not be treated as a peace dividend — children's physical and psychological development cannot be postponed.

83. Where appropriate, and without shirking obligations to uphold international humanitarian law, advocacy and special arrangements by parties to conflict to ensure children's access to services should be encouraged. "Days of tranquillity" and enforced ceasefire periods in Afghanistan, Nepal, the Sudan and Uganda show how negotiation with parties can facilitate health campaigns. In Nepal, disruption of education was successfully stemmed in some locations through a country-wide campaign for "children as zones of peace".

84. Affordable basic services are critical to ensuring access, including for the poorest and most vulnerable. The abolition of school fees has brought large enrolment increases in several countries, including those emerging from conflict; nevertheless, support is needed for poor families to meet costs for such things as schoolbooks and suitable clothing. Likewise, the removal of user fees for health care should be advocated if they pose a barrier to children's access, but clear plans and monitoring should ensure that informal charges are not demanded of users to replace revenue previously generated by fees.

85. Health and nutrition go hand in hand in emergency response: neither is fully effective in reducing morbidity and mortality without the other. A limited set of proven interventions can drastically reduce child mortality, with integrated approaches being increasingly practiced, including the distribution of vitamin A or deworming medication during measles or polio immunization campaigns. Community-based approaches are also growing in importance; for instance, severely malnourished children are increasingly treated at home with ready-to-use-therapeutic foods, with experience in Darfur and Chad resulting in higher recovery rates and reduced costs. While reproductive health has become more integrated into humanitarian response, adolescents should be reached more consistently.

86. The Machel study identified major gaps in the provision of education in conflict-affected countries, highlighting the need for continuity all the way up the "ladder of education", from early childhood education to tertiary education. More focus on this is needed, particularly for secondary education. In the last decade, the prioritization of education for children affected by conflict has been reinforced, particularly as its importance as a protective mechanism has become better understood. Education content and disparities, however, can fuel conflict; greater attention should be given to promoting social cohesion through quality and equity.

Consultations with young people continue to confirm education as one of their top priorities.

87. Water, sanitation and hygiene, as well as shelter, are important in their own right. Their absence has obvious negative impacts on health, nutrition and education goals. The focus on hygiene education in recent years has been an entry point for community engagement, including that of children.

Strengthening protection systems and support

88. As conflict erodes protection systems, children need support to ensure that their rights are safeguarded. National child protection systems and community-based networks, coupled with oversight and monitoring, play a crucial role in understanding risks to children, and in both preventing and responding to violations. Child welfare committees in Liberia and elsewhere have been useful models.

89. A major issue addressed in the Machel study was the tracing and reunification of unaccompanied minors and separated children. Significant progress has been made in this area, including strong coordination among actors, culminating in the Inter-Agency Guiding Principles. Prevention of and response to the separation of children remain priority activities in all stages of a crisis.

90. Consensus on good practice for children's mental health and psychosocial well-being has been a point of progress since the Machel study. The Inter-Agency Standing Committee guidelines in this area indicate an age-appropriate, multisectoral approach. Strengthening of social support systems, provision of opportunities for play and development and clinical services for specific problems all constitute aspects of programming in this area. Sport, music and drama activities have been shown to play an important role in providing children with a sense of normalcy and routine.

91. Emerging over the last decade, safe spaces for children — sometimes labelled child-friendly spaces or safe play areas — provide children with a secure place to play or learn. Early childhood development activities in such spaces have produced positive results for young children and their caregivers, such as in camps for the displaced in Afghanistan, Chad and Liberia. Safe spaces have a wide diversity of approaches and need clearer standards.

92. HIV prevention and care, including antiretroviral treatment, have begun to better address the needs of conflict-affected populations. Educational systems should play a central role in HIV/AIDS awareness, prevention and care during emergencies, including expanded life-skills curricula that teach about nutrition, hygiene and other survival skills. Despite limited delivery, overly complicated protocols and fear of stigma, multisectoral responses have shown their potential for conflict settings.

Addressing special concerns

93. During the preparations for this strategic review, a number of cross-cutting issues were identified: community-based reintegration and youth opportunities; gender-based violence and sexual exploitation and abuse; and justice processes and reconciliation. Although agreement on approaches is emerging, implementation is lagging and underresourced and often faces challenges because of the inertia imposed by some community customs, traditions and history.

94. Reintegration is commonly thought of as the final component of disarmament, demobilization and reintegration, but in reality encompasses much more, and for children, it requires programming outside of formal disarmament, demobilization and reintegration processes. The process has wide-ranging aims, different for each boy and girl involved, including building emotional trust and reconciling with family and community, providing access to education and developing a means of livelihood. As captured in the Paris Principles, to be effective and contribute to the prevention of re-recruitment, reintegration needs to be comprehensive and long-term. A community-based approach, in which families and communities are central to defining and providing support, affords the best chances of success.

95. Too often, reintegration efforts inappropriately single out children who in the past were recruited, thereby perpetuating stigma. Likewise, cash benefits for returning children can be seen as rewarding their involvement in violence. To the extent possible, reintegration efforts should benefit all affected children, rather than select groups. A useful approach in the Democratic Republic of the Congo and Sierra Leone has involved the provision of materials to schools accepting demobilized children, thus benefiting all students.

96. Girls often suffer stigmatization whether formerly associated with armed forces or armed groups, or as victims of sexual violence. Response should prevent further harm and provide confidential access to reintegration supports. Addressing a range of long-term needs entails health care, including reproductive health, fistula treatment and provision of post-exposure prophylaxis; legal support; and psychosocial care. Centres that provide comprehensive health, legal and psychosocial support and care to victims and their families in safety and confidentiality have been shown to be effective. Sustainable livelihood opportunities for young girls are a priority, to limit the risk of sexual exploitation and violence.

97. Local approaches to justice and reconciliation are increasingly playing a role in transitional justice strategies, building upon traditional norms to strengthen the protection of children in communities. In research conducted in Sierra Leone for this review, local actors cited the most positive reconciliation experiences as those that included traditional approaches. Children compelled to commit atrocities during the conflict reported that they had gained acceptance in their communities through dialogue based on traditional healing mechanisms. The feasibility of involving children in traditional approaches to justice and enhancing their role in community reconciliation requires further attention.

98. While reintegration supports should be multisectoral, special emphasis on education and livelihood support is needed, appropriate to the age and the individual. While the most effective way to assist children and youths who have not completed education is to enable them to enter or re-enter schools, alternatives are also necessary. Accelerated courses of primary education, such as those in Afghanistan, Liberia, Sierra Leone and Southern Sudan, can play an important role. Girl mothers require special attention to have access to education and livelihood support, in such forms as day care for their children.

99. The subject of reintegration brings with it the question of what young people are returning to, which is usually an impoverished, subsistence-based environment. Most vocational training programmes result in more young hairdressers, tailors or carpenters than the market can absorb, yet research has found significant positive outcomes in terms of new identities and self-esteem. Increased support for child and

youth livelihoods is essential; however, broader economic recovery and investment allowing small businesses to survive is equally vital. The education and livelihood aspects of reintegration programming require greater investment and identification of effective models.

Prevention and peacebuilding

100. One of the most effective ways of protecting children's rights is to prevent conflict and promote peace and reconciliation. Efforts should include integrating and mainstreaming children's issues in all conflict prevention and peacebuilding processes. This entails systematic participation of children, prioritizing children's concerns and including specific language on children's rights in peace processes and accords. In Indonesia, the Maluku Children's Parliament bridged the Muslim-Christian divide, serving as a model for adult peace negotiators.

101. Conflict prevention efforts should be child-sensitive, with emergency plans and early warning systems integrating children's concerns in their strategies and indicators. The "disaster risk reduction begins at school" campaign conducted by the International Strategy for Disaster Reduction is one such example. Emergency preparedness for service sectors is important, so that despite repeated shocks, they can continue meeting the needs of children and youth.

VI. Looking ahead: a platform of recommendations

102. **The most effective way of protecting children's rights is to prevent conflict and promote peace. To that end, the present review proposes a platform of recommendations, and encourages that their implementation be reviewed within five years.**

A. Achieving universal implementation of international norms and ending impunity

Recommendation 1

103. **Achieve universal adherence to international standards and norms:**

(a) **Member States must uphold existing international standards and operationalize those obligations through accelerated national legislative reform and systematic implementation and monitoring;**

(b) **Member States and the United Nations system should keep under review the need for further legal instruments and mechanisms for compliance;**

(c) **All Member States and other stakeholders should endorse relevant guidelines that enhance the protection of children, and ensure their systematic implementation.**

Recommendation 2

104. **End impunity for violations against children:**

(a) **Member States must ensure systematic and timely investigation and prosecution of crimes against children in the context of armed conflict, and provide assistance to victims;**

(b) **Member States should apply targeted measures, including sanctions where appropriate, against individuals and parties to conflict and other entities, including the private sector, within their jurisdiction that persistently commit or are complicit in the commission of grave violations against children in situations of armed conflict;**

(c) **For the purpose of child protection, the United Nations should, where appropriate, undertake dialogue with parties to conflict, including non-State actors, and develop systems to hold non-State actors accountable.**

Recommendation 3

105. **Prioritize children's security:**

(a) **In all security-related matters, parties to conflict should recall that child rights are non-derogable and should ensure that children are protected from death, injury, harm, arbitrary arrest and detention, torture and other cruel, inhuman and degrading treatment;**

(b) **All parties to conflict must ensure safe and unhindered access and delivery of humanitarian assistance to all children, in collaboration with humanitarian agencies;**

(c) **Member States should fulfil commitments undertaken under the Programme of Action on the Illicit Trade in Small Arms and Light Weapons at the national, regional and global levels. They should implement existing legal instruments that address landmines and explosive remnants of war and develop a legally binding instrument on cluster munitions.**

Recommendation 4

106. **Strengthen monitoring and reporting:**

(a) **Member States, United Nations entities and NGOs must establish an inclusive system with a common framework, including agreed indicators and provisions for the disaggregation of data, for the timely collection, verification, analysis and reporting of information on all impacts on children and violations of their rights, and increase human and financial resources in this regard;**

(b) **Regarding Security Council resolution 1612 (2005), the capacities of the United Nations entities charged with implementation of the mechanism should be enhanced as appropriate, at both the field and the headquarters level.**

Recommendation 5

107. **Promote justice for children:**

(a) **Member States should uphold international standards, norms and guidelines on juvenile justice and ensure that their national legislation and systems treat all juveniles in a manner that takes into account their particular vulnerability, including ensuring access to legal assistance, focusing on rehabilitation, reintegration and diversion, recourse to detention only as a last resort and separation of juveniles from adults;**

(b) **Member States should promote the rule of law by ensuring children's access to justice, identifying and addressing obstacles encountered by children within their legal systems;**

(c) **Member States should establish child-friendly mechanisms to promote the participation and protection of children in all justice systems, including transitional justice processes.**

B. Caring for and protecting children in armed conflict

Recommendation 6

108. **Ensure access to basic services:**

(a) **Member States must ensure the continuity of an integrated package of basic services including education, health, nutrition, water and sanitation, HIV/AIDS, reproductive health, psychosocial support and social services; the availability of these services should be ensured and all barriers to access removed, including costs;**

(b) **United Nations entities, NGOs and donors should ensure that support for basic services is aligned with government systems, including when delivered by non-State providers, and is sustained through all phases of a conflict.**

Recommendation 7

109. **Support inclusive reintegration strategies:**

(a) **Stakeholders should ensure that release and reintegration strategies and activities are in line with the Paris Commitments and Principles and Integrated Disarmament, Demobilization and Reintegration Standards; among other things, they should be inclusive of all conflict-affected girls and boys;**

(b) **Such strategies should ensure long-term sustainability and community-based approaches, with emphasis on education and livelihood support, including youth-oriented employment strategies and market analyses; particular attention should be given to girls, including ensuring confidential access to reintegration support to mitigate stigmatization.**

Recommendation 8

110. **End gender-based violence:**

(a) **Member States should give priority to protecting children from gender-based violence by adopting appropriate national legislation and ensuring systematic and timely investigation and prosecution of such crimes, in accordance with the wishes of survivors;**

(b) **All stakeholders must give particular attention to the specific needs of child survivors, as distinct from those of women, ensuring that adequate resources are invested in community-awareness campaigns and education initiatives that target boys and men;**

(c) **In addition to targeting perpetrator behaviour, as part of the strategy to prevent sexual exploitation and abuse, all stakeholders should prioritize livelihood support measures that focus on women and girls;**

(d) **Member States, especially troop-contributing countries, and the United Nations system should enhance current efforts and ensure that rigorous systems are in place to promptly investigate and address allegations of abuse, including systematic training, specialized investigation capacity, stronger sanctions against perpetrators, mechanisms for referral to child protection actors and the adoption and implementation of a comprehensive, child-friendly policy on assistance and support for victims.**

C. Strengthening capacity, knowledge and partnership

Recommendation 9

111. **Improve capacity and knowledge for quality care and protection of children:**

To address insufficiencies in the base of expertise and programme learning, Member States and other stakeholders should invest more in building, strengthening and expanding international and national capacities, across all sectors, knowledge acquisition and management. Research should be more aligned with field needs and be documented, disseminated and applied.

Recommendation 10

112. **Ensure complementarity among key actors and mainstream children and armed conflict concerns:**

(a) **All stakeholders, including United Nations entities, donors and NGOs, must continue to improve complementarity and cooperation across intersecting mandates. Benchmarks should be established to improve the mainstreaming of children and armed conflict concerns in the policies, priorities and programmes of United Nations entities and institutional processes;**

(b) **The work of the Office of the Special Representative of the Secretary-General for Children and Armed Conflict has demonstrated a continuous need for a high-level Special Representative to advocate for children and armed conflict. This role should strengthen that of Member States**

themselves, complementing United Nations-system partners such as UNICEF, peacekeeping and political missions, field leadership and other child protection actors.

Recommendation 11

113. **Operationalize the engagement of regional bodies:**

(a) **Regional and intergovernmental bodies must more proactively address children and armed conflict concerns, including through the establishment of a high-level mechanism for advocacy, the development of action plans to implement declarations and capacity-building of child rights expertise in their secretariats;**

(b) **Regional intergovernmental bodies should ensure that children and armed conflict considerations are built into their peacemaking, peacekeeping and peacebuilding activities, with the support of the United Nations where necessary.**

Recommendation 12

114. **Ensure that funding matches children's needs and priorities:**

(a) **Donors should individually and collectively ensure early, multi-year, flexible and thematic funding as called for by, inter alia, the principles of good humanitarian donorship. Donors should prioritize child-focused programming, taking into account the need for a long-term approach;**

(b) **In appeals for conflict-related emergencies and post-conflict reconstruction, the United Nations system, Governments and NGOs should clearly articulate child-focused objectives and disaggregated needs.**

D. Preventing conflict and building peace

Recommendation 13

115. **Consolidate the role of United Nations peacekeeping in child protection:**

(a) **The Security Council should continue to include child protection provisions in the mandates of peacekeeping operations;**

(b) **The Secretary-General should ensure that the need for and roles of child protection advisers are assessed during the preparation of peacekeeping mandates, ensuring effective partnerships with other key actors having protection mandates.**

Recommendation 14

116. **Increase the participation of and support for children and youth:**

(a) **Member States should make a greater commitment to address obstacles to the participation of young people in decision-making, and to actively promote their engagement in national and local-level governance, peace processes and justice, truth and reconciliation processes;**

(b) Increased technical and financial investment should include focused support for youth organizations, centres and activities, secondary and tertiary education, livelihood schemes and leadership opportunities.

Recommendation 15

117. **Integrate children's rights in peacemaking, peacebuilding and preventive actions:**

(a) All peacemaking and peacebuilding processes should be child-sensitive, including through specific provisions in peace agreements, the participation of children in those processes and the prioritization of resources;

(b) Member States, United Nations entities and regional intergovernmental bodies are urged to elaborate preventive approaches including, inter alia, early warning systems and community conflict resolution and reconciliation;

(c) Private sector entities must be cognizant of the impact that their activities and investments have on children in countries affected by conflict and take measures, including by regulating trade and joining corporate responsibility initiatives.

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Review of the efficiency of the administrative and financial functioning of the United Nations

Review of the experience of the utilization of the contingency fund

Report of the Secretary-General

Summary

The present report has been prepared pursuant to resolution 61/254, by which the General Assembly requested the Secretary-General to review the experience of the utilization of the contingency fund and to report thereon to the General Assembly at its sixty-second session. Accordingly, information is provided herein on the experience of the utilization of the contingency fund since its inception.

Under the arrangements set out in resolutions 41/213 and 42/211, no predetermined level exists for the contingency fund; instead, a percentage is proposed by the Secretary-General for application to the programme budget outline amount. At the time of approving the outline, the General Assembly also approves the percentage, thereby determining the level of the contingency fund. While a review of the experience of recent bienniums does not indicate that a change to these arrangements is required, careful consideration must continue to be given to the appropriate size of the contingency fund as a critical element of the overall budget level established in the context of each budget outline. Depending on the finalization of proposals and on decisions to be taken by the General Assembly, potential charges to the contingency fund for the biennium 2008-2009 may exceed the level of $31.5 million established in resolution 61/254. Consideration should be given to whether the level of the contingency fund for the biennium 2008-2009 should be increased.

* A/62/150.

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I. Introduction

1. In the context of the proposed programme budget outline for the biennium 2008-2009 (A/61/576), the Secretary-General recalled the experience of recent bienniums with regard to the contingency fund, in particular the increasing occurrence of situations where potential charges exceed the balance available within the contingency fund. Accordingly, the Secretary-General invited the General Assembly to take into account that recent experience in establishing the contingency fund for the biennium 2008-2009, and recommended that the level be set at 1.35 per cent, which would reflect an upward adjustment of 0.6 per cent from the level of 0.75 per cent approved for previous bienniums.

2. By its resolution 61/254, the General Assembly decided that the contingency fund shall be set at the level of 0.75 per cent of the preliminary estimate for the biennium 2008-2009. By the same resolution, the General Assembly also requested the Secretary-General to review the experience of the utilization of the contingency fund and to report thereon to the General Assembly at its sixty-second session. The present report is submitted pursuant to that request.

II. Background

3. The creation of a contingency fund was decided on by the General Assembly in annex I of its resolution 41/213 on the review of the efficiency of the administrative and financial functioning of the United Nations. Paragraph 8 of annex I reads:

> The programme budget shall include a contingency fund expressed as a percentage of the overall budget level, to accommodate additional expenditures relating to the biennium derived from legislative mandates not provided for in the proposed programme budget or, subject to the provisions of paragraph 11 below, from revised estimates.

Paragraph 9 reads:

> If additional expenditures, as defined in paragraph 8 above, are proposed that exceed resources available within the contingency fund, such additional expenditures can only be included in the budget through redeployment of resources from low-priority areas or modifications of existing activities. Otherwise, such additional activities will have to be deferred until a later biennium.

4. Following the adoption of resolution 41/213, the Secretary-General reported on questions relating to the programme budget: inflation and currency fluctuation, and the level of the contingency fund (A/42/225 and Add.1). In that context, it was noted that past experience in respect of programme budget implications and revised estimates, while useful, cannot be used as a basis for determining the level of the contingency fund (A/42/225, para. 34). The Secretary-General also indicated that the establishment of such a level cannot be done on a scientific basis and must, in the final analysis, be judgmental. On the basis of the information available at that time, it was noted that a contingency fund based on a level of 0.75 per cent appeared reasonable for the forthcoming biennium. While no set percentage was specified for the contingency fund, the General Assembly, in the annex to resolution 42/211, set

out modalities relating to the criteria for use, the period covered and pattern of use, and the operation of the contingency fund. Paragraph 1 of section C provides that in the off-budget year, the General Assembly would decide on the size of the fund in accordance with the provisions of annex I to its resolution 41/213. Paragraph 1 of section A of annex I to resolution 41/213 provides that, in off-budget years, the Secretary-General shall submit an outline of the programme budget for the following biennium, which shall contain an indication of, inter alia, the size of the contingency fund expressed as a percentage of the overall level of resources.

III. Experience

5. The present section addresses the experience related to the size of the contingency fund, the utilization of the contingency fund and the application of alternatives in cases where it is not possible to finance all or part of the additional requirements from the fund.

Size of the contingency fund

6. Against the background set out above, the Secretary-General submitted, in document A/43/524, the first proposed budget outline. In addressing the level of the contingency fund for the related biennium, the Secretary-General recalled that in his report on the contingency fund (A/42/225), it had been observed that a contingency fund amounting to 0.75 per cent of the budget appeared reasonable for the forthcoming biennium. It was noted that that level of contingency had been neither approved nor rejected in principle by the Assembly, and, under the circumstances, it was proposed that the rate of 0.75 per cent should be adopted for the biennium 1990-1991 on the understanding that the Assembly should continue to keep under review the appropriateness and adequacy of that level.

7. In its resolution 43/214, the General Assembly set the level of the contingency for the biennium 1990-1991 at 0.75 per cent of the preliminary estimate for the biennium, i.e., $15 million. Since then, the size of the contingency fund has always been set by the General Assembly at the same percentage (0.75) of the overall level of resources approved in the context of the budget outline. At the same time, it should be noted that the level proposed by the Secretary-General has not always been 0.75 per cent of the preliminary estimate. Taking into account information available at the time of submission of specific budget outline proposals, the Secretary-General has proposed levels lower or higher than 0.75 per cent, as follows:

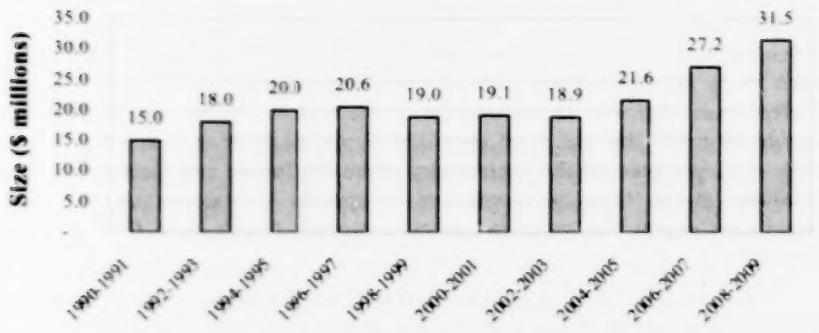
(a) In proposing a budget outline and contingency fund level for the biennium 1998-1999, it was noted that in the first year of the 1996-1997 biennium, the level of drawdown against the contingency fund, which for 1996-1997 was set at $20.6 million, had been $1.1 million. It was therefore recommended that the level be set at 0.25 per cent for the biennium 1998-1999, representing $6 million (A/51/289);

(b) In proposing a budget outline and contingency fund level for the biennium 2008-2009, it was noted that the experience of recent bienniums reflected the increasing occurrence of situations where potential charges exceeded the balance available within the contingency fund. Accordingly, it was recommended that the

contingency fund be set at a level of 1.35 per cent, or $55.9 million, for the biennium 2008-2009 (A/61/576).

8. While the percentage applied in arriving at contingency fund levels has remained the same (0.75 per cent), the actual nominal level of the fund has varied with the size of the approved outline amount. At times, the application of the 0.75 per cent figure to the approved outline amount has resulted in a contingency fund level lower than that approved for the preceding biennium. For the biennium 1998-1999, the contingency fund was established at $19 million, compared with $20.6 million for the biennium 1996-1997. Similarly, for the biennium 2002-2003, the contingency fund was established at $18.9 million, compared with $19.1 million for the biennium 2000-2001. In general, however, the contingency fund level has trended upwards since the inception of the fund. The current nominal level of the fund ($31.5 million for the biennium 2008-2009) is twice the initial nominal value at the time of establishment of the fund ($15 million for the biennium 1990-1991). The upward trend in the contingency fund level largely reflects significant inflationary provisions approved within underlying budget levels over the two decades since the establishment of the fund. Budget levels also reflect General Assembly action to adjust provisions for the implementation of legislative mandates during this period. Notably, regular budget requirements for 32 budget sections for the biennium 1990-1991 now cover 35 budget sections, reflecting a range of adjustments, including the establishment in 1994 of the Office of Internal Oversight Services, in 2002, the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States and in 2005 of the Department of Safety and Security. The following figure provides information on the size of the contingency fund since its establishment:

Size of the contingency fund



Utilization of the contingency fund

9. Detailed information about the utilization of the contingency fund since its creation follows:

Biennium	*Size ($ millions)*	*Percentage of preliminary estimate*	*Utilization estimates ($ thousands)*	*Utilization estimates (per cent)*
1990-1991	15.0	0.75	11 781.3	78.7
1992-1993	18.0	0.75	6 291.9	35.0
1994-1995	20.0	0.75	18 484.7	92.5
1996-1997	20.6	0.75	5 241.8	25.2
1998-1999	19.0	0.75	3 692.2	19.5
2000-2001	19.1	0.75	18 875.7	99.0
2002-2003	18.9	0.75	18 868.8	100.0
2004-2005	21.6	0.75	13 745.2	63.4
2006-2007[a]	27.2	0.75	26 562.7	97.8
2008-2009[a]	31.5	0.75		

[a] Based on charges approved to date.

10. As can be seen from the above, the utilization of the contingency fund has ranged from 19.5 per cent for the 1998-1999 biennium — the biennium for which the Secretary-General proposed a reduction in the level — to almost full utilization in the 2002-2003 biennium. It can reasonably be argued that the degree of utilization of the contingency fund for a particular period should be viewed in the context of the situation at that time. For example, in reporting on the contingency fund (see A/48/281, para. 11), the Secretary-General provided the following analysis:

> The reduced recourse to the contingency fund at the forty-seventh session of the General Assembly, compared with the corresponding experience at the forty-fifth session, should be seen in the context of the rather special situation in place. As a result of the reorganization of the Secretariat and the related new treatment of vacancies, additional staff requirements that would normally have been requested in the context of revised estimates or statements of programme budget implications were covered to an unusual extent through temporary redeployment of posts. In addition, the Advisory Committee on Administrative and Budgetary Questions recommended deferral of action on significant financial requests to the resumed forty-seventh session of the General Assembly. At the resumed session, increased resources for several new activities were offset by reductions related to abolition of high-level posts, all in the framework of the revised estimates relating to the second phase of the restructuring of the Secretariat.

11. Further to the analysis provided above, and given the limited experience available, it was noted at that time that the level and operation of the contingency fund appeared to be satisfactory and not in need of adjustment (A/48/281, para. 13). That observation appears to be applicable also to the first decade of operation of the contingency fund, during which the level of the fund was sufficient to cover all charges (see also para. 7 (a) above).

12. As regards more recent experience, it has already been noted above that the contingency for the biennium 2002-2003 was almost fully utilized. For the biennium 2004-2005, a consolidated statement of programme budget implications and revised estimates falling under the guidelines for the contingency fund was issued (A/C.5/58/34). The statement indicated that those items amounted to $23 million and exceeded by $1.4 million the approved level of the contingency fund of $21.6 million. While at that point formal action was yet to be taken with regard to the approval of the specific programme budget implications and revised estimates, suggestions were made for consideration, so that the overall level of charges would be within the level of the contingency fund. Due consideration was given to section B of the annex to resolution 42/211 concerning the period covered and pattern of use of the contingency fund. Accordingly, it was recognized that prudent use of the fund requires that it should not be exhausted before the end of the period of use, but that no predetermined proportion for a given year should be set. The related suggestions reflected relevant recommendations of the Advisory Committee on Administrative and Budgetary Questions, and took into account the need to ensure an available balance of contingency fund resources to support such initiatives as the General Assembly might approve during the resumed part of its fifty-eighth session and during its fifty-ninth session.

13. The related General Assembly action in December 2003 prevented the possibility of the fund being exhausted prior to the start of the 2004-2005 biennium. In this regard, requirements that were not approved included, inter alia, provisions for the publication of the *Repertory of Practice of United Nations Organs* (amounting to $2.4 million, as detailed in the programme budget implications of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (A/C.5/58/18)) and for more predictable and adequate conference services for the meetings of regional and other major groupings of Member States (amounting to $8.0 million, as detailed in the report of the Secretary-General (A/58/397)). Following a review by the General Assembly of the consolidated statement, and related decisions on programme budget implications and revised estimates in December 2003, a balance of $11.3 million remained in the contingency fund for the biennium 2004-2005 as at 23 December 2003 (resolution 58/272). Following further action by the General Assembly, the balance available in the contingency fund amounted to $7.9 million, as noted in resolution 59/276 of 23 December 2004.

14. For the biennium 2006-2007, the balance available in the contingency fund amounts to $637,300, as noted in resolution 61/252. While no additional charges to the contingency fund have been approved since the end of the sixtieth session, a significant level of additional requirements would be handled as detailed below. Notably, the approval of requirements outside the provisions of the contingency fund, although normally chargeable to the contingency fund, for the present biennium represents a material departure from the framework established by resolution 41/213. In particular:

(a) Requirements in excess of $50 million have already been approved outside the contingency fund for the implementation of reform-related proposals as follows:

(i) The sum of $44.3 million for the 2005 World Summit Outcome (see resolutions 60/246 and 60/247);

(ii) The sum of $4.6 million for the "Investing in the United Nations" initiative (see resolution 60/283);

(iii) The sum of $4.9 million for the "Investing in people" initiative (see resolution 61/244);

Further, in approving updated terms of reference for the Independent Audit Advisory Committee, the General Assembly also approved additional requirements for 2007 amounting to $327,800 (net of staff assessment) (see resolution 61/275);

(b) Requirements amounting to $28.6 million were approved as commitment authority for the 2006-2007 biennium related to additional office space for the Office of the United Nations High Commissioner for Human Rights, standardized access control, the renovation of the residence of the Secretary-General and the financing of the International Research and Training Institute for the Advancement of Women;

(c) Requirements totalling $7 million will be accommodated to the fullest extent possible and as necessary in the context of performance reports. The annex of the present report provides detailed information on decisions taken in that regard.

15. For the biennium 2008-2009, a contingency fund of $31.5 million was established by resolution 61/254. It should be noted that, on the basis of information available at this stage, and depending on the finalization of proposals and on decisions to be taken by the General Assembly, potential charges to the contingency fund for the biennium 2008-2009 may exceed the $31.5 million established by resolution 61/254. Potential charges can be summarized as follows:

(a) Requirements totalling in excess of $10 million relate to reports already issued for transitional arrangements for the United Nations system of administration of justice (see A/61/891) ($7,209,200); resolutions adopted by the Human Rights Council at its fourth session, in 2007 (see A/61/530/Add.3) ($74,300); and Human Rights Council decision 3/104 (A/62/125) ($3,328,600). Further, in approving updated terms of reference for the Independent Audit Advisory Committee, the General Assembly also approved additional requirements for 2007 amounting to $327,800 (net of staff assessment), which would need to be taken into account, on a full cost basis, for the biennium 2008-2009 (see resolution 61/275);

(b) Significant programme budget implications, estimated at $23 million, are under consideration by relevant subsidiary intergovernmental bodies relating to the institution-building of the Human Rights Council and the extension of meeting time of the Committee on the Elimination of Discrimination against Women;

(c) A number of other reports to be considered by the General Assembly may have implications for the biennium 2008-2009, including the implementation of an enterprise resource planning system, enterprise risk management, an internal control framework, results-based management, an accountability framework, arrangements for business continuity and disaster recovery, pandemic influenza preparedness, resolutions and decisions of the Economic and Social Council, administrative expenses of the United Nations Joint Staff Pension Fund and the strengthening of the United Nations system of administration of justice.

16. General Assembly decisions relating to those requirements, as well as to other applicable revised estimates and programme budget implications, will be considered

during the latter part of the sixty-second session in the context of the consolidated report on charges to the contingency fund for the biennium 2008-2009.

Application of alternatives in cases where it is not possible to finance all or part of the additional requirements from the fund

17. In reviewing the recent experience of the contingency fund, it is also relevant to recall the provisions of General Assembly resolutions for dealing with cases where it is not possible to finance all or part of the additional requirements from the fund. Under the terms of resolution 41/213, if additional expenditures are proposed that exceed resources available within the contingency fund, such additional expenditures can be included in the budget only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities will have to be deferred until a later biennium. In its resolution 42/211, the Assembly provides that each statement of programme budget implications and each proposal for revised estimates should contain a precise indication of how those alternatives would be applied in case it is not possible to finance all or part of the additional requirements from the fund.

18. In the annex to its resolution 42/211, the Assembly also specifies that the Secretary-General would prepare and submit a consolidated statement of all programme budget implications and revised estimates considered at that session of the General Assembly and that the amounts therein would correspond to those previously recommended by the Fifth Committee upon its consideration of individual statements and proposals for revised estimates. Should the consolidated amount exceed the balance available in the fund for that year, the Secretary-General would, in his consolidated statement, make proposals for revising the amount so that it would not exceed the available balance. In so doing, the Secretary-General would be guided by the indications of alternatives included in each statement of programme budget implications and in each proposal for revised estimates. The Secretary-General would also take into account any indications of relative urgency that each legislative body might wish to make regarding its resolutions and decisions. Upon consideration of the consolidated statement, the General Assembly would proceed to appropriate the funds necessary under the relevant sections of the programme budget.

19. A review of programme budget implications, revised estimates and related consolidated statements of charges to the contingency fund shows that the Secretary-General has complied with the terms of those resolutions. Programme budget implications and revised estimates include, inter alia, indications of activities that can be accommodated through existing resources, modified, or dealt with in the context of future proposed programme budgets. In the annex to its resolution 42/211, the Assembly specifies that the consolidated statement considered at the respective session of the General Assembly is to be based on the amounts previously recommended by the Fifth Committee upon its consideration of individual statements and proposals for revised estimates, and on any indications of relative urgency that each legislative body might wish to make regarding its resolutions and decisions. In practice, however, and in the absence of such indications from legislative bodies, the consolidated statement is often prepared on the basis of the initial proposals of the Secretary-General and related recommendations of the Advisory Committee on Administrative and Budgetary Questions. Further, where appropriate, in the absence of formal decisions on programme budget implications

and revised estimates under consideration, the Secretary-General has proposed adjustments in the context of the related consolidated statement, bearing in mind the annex to resolution 42/211, in which the Assembly provides that prudent use of the fund requires that it should not be exhausted before the end of the period of use.

20. Nevertheless, recent experience indicates that it has not always proved possible to provide for such additional requirements through the curtailment or deferral of activities or the redeployment of resources from low-priority areas. Instead, it has been necessary for additional amounts to be appropriated for the biennium 2006-2007 in excess of the remaining balance in the contingency fund. While the experience of the current biennium may prove to be an exceptional situation given the ongoing implementation of significant reforms, due care and consideration must continue to be given to the level of the contingency fund within the overall resource levels set out in the context of future budget outlines.

IV. Conclusions and recommendation

21. **Given the recent experience of the utilization of the contingency fund, it is evident that the General Assembly has been willing to approve additional resources in excess of the established level when it is deemed necessary. At the same time, if the contingency fund is to be a meaningful instrument, the guidelines need to be strictly observed. If the contingency fund is to be maintained as a key element of budgetary discipline, it will need to be established at realistic levels consistent with programmatic decisions and mandates. Further, if the overall level of predictability of resources desired by Member States is to be achieved, consideration must continue to be given at the time of the consideration of each budget outline to establishing the contingency fund for the related biennium at a level that would provide for those additional expenditures that the fund would be expected to bear during the period in accordance with General Assembly resolution 41/213. In this respect, it is noteworthy that, while in resolution 61/254, the Assembly set the level of the contingency fund for the biennium 2008-2009 at 0.75 per cent of the preliminary estimate, it also, inter alia, reaffirmed the following:**

(a) **The proposed programme budget outline shall contain an indication of the size of the contingency fund expressed as a percentage of the overall level of resources;**

(b) **The budget outline should provide a greater level of predictability of resources required for the following biennium and promote greater involvement of Member States in the budgetary process, thereby facilitating the broadest possible agreement on the programme budget;**

(c) **The budget proposals of the Secretary-General should reflect resource levels commensurate with mandates for their full, efficient and effective implementation.**

22. **The General Assembly may wish to decide whether the contingency fund for the biennium 2008-2009 should, in line with the proposals contained in the report of the Secretary-General (A/61/576), be increased above the level of 0.75 per cent ($31.5 million) established by resolution 61/254.**

Annex

Requirements to be accommodated to the fullest extent possible and as necessary in the context of the performance reports

Revised estimate: programme budget implications	*Description of decision*	*United States dollars*
Revised estimates resulting from resolutions and decisions adopted by the Economic and Social Council at its resumed organizational and first substantive sessions of 2005 (A/60/396)	By its resolution 60/248, the General Assembly took note of the report of the Secretary-General (A/60/396), and endorsed the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report. In paragraph 5 of its report (A/60/7/Add.5), the Advisory Committee was of the opinion that, in view of the relatively minor amount involved, an additional appropriation might not be necessary. It therefore recommended that such amount, if any, as might be required be reported in the first performance report on the proposed programme budget for the biennium 2006-2007.	572 00
Strengthening the United Nations Crime Prevention and Criminal Justice Programme and the role of the Commission on Crime Prevention and Criminal Justice as its governing body (A/C.5/61/10)	In document A/C.5/61/10, the Secretary-General noted that should the General Assembly adopt the draft resolution contained in A/C.5/61/9 and provided that a reconvened session of the Commission on Crime Prevention and Criminal Justice is held between 26 and 30 November 2007, net additional resources totalling $95,800 would be required under the programme budget for the biennium 2006-2007. However, it was envisaged that the net additional requirements would be accommodated within the existing appropriation. Accordingly, no additional appropriation was sought over and above the level of funding approved in the programme budget for the biennium 2006-2007. Should the actual requirements for implementing the provisions of the draft resolution exceed the absorptive capacity of the aforementioned sections, the additional provisions would be reported in the context of the second performance report for the biennium 2006-2007 (see also sect. XI of resolution 61/252).	95 80
Oceans and the law of the sea (A/C.5/61/16)	In its report (A/61/624), the Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General (A/C.5/61/16) and the related report of the Advisory Committee on Administrative and Budgetary Questions (see A/C.5/61/SR.28): (*a*) decided to inform the General Assembly that the adoption of draft resolution A/61/L.30 would not give rise to additional requirements under the programme budget for the biennium 2006-2007; and (b) also decided that any additional resources as might be necessary would be reported in the context of the second performance report on the programme budget for the biennium 2006-2007. In document A/C.5/61/16, the Secretary-General noted that should the General Assembly adopt draft resolution A/61/L.30, additional resources totalling $108,100 would be required under the programme budget for the biennium 2006-2007. However, no additional appropriation was sought over and above the level of funding approved in the programme budget for the biennium 2006-2007, with any actual requirements exceeding the absorptive capacity to be reported in the context of the second performance report for the biennium 2006-2007.	108 10
Administrative and financial implications arising from the report of the United Nations Joint Staff Pension Board (A/61/577)	By its resolution 61/252, the General Assembly took note of the report of the Secretary-General (A/61/577) on the administrative and financial implications arising from the report of the United Nations Joint Staff Pension Board, and requested the Secretary-General to report on any additional requirements arising from the recommendations of the Board in the context of the second performance report on the programme budget for the biennium 2006-2007.	69 40

Revised estimate/ programme budget implication	*Description of decision*	*United States dollars*
Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/C.5/61/15)	In its report A/61/623, the Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General (A/C.5/61/15) and the related report of the Advisory Committee on Administrative and Budgetary Questions (see A/C.5/61/SR.28): (a) decided to inform the General Assembly that, should it adopt the draft resolution contained in document A/AC.265/2006/L.8/Rev.1, no immediate financial implications would arise; and (b) also decided that any additional resources, as might be necessary, would be reported in the context of the second performance report on the programme budget for the biennium 2006-2007. In document A/C.5/61/15, the Secretary-General noted it was envisaged that, to the fullest extent possible for the biennium 2006-2007, the estimated expenditures attributable to implementation of the proposed activities under section 23, Human rights ($507,300) and section 28, Management and support services ($6,400) would be met from within existing resources. Any additional expenditures would be reported accordingly in the context of the second performance report for the biennium 2006-2007.	513 700
Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first, resumed second, and third sessions and its first, second and third special sessions in 2006 (A/61/530 and Add.1)	By its resolution 61/252, the General Assembly took note of the reports of the Secretary-General on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its first, resumed second, and third sessions and its first, second and third special sessions in 2006, and endorsed the related oral report of the Advisory Committee on Administrative and Budgetary Questions. In paras. 37 and 38 of A/C.5/61/SR.34, the Advisory Committee had noted that, to the fullest extent possible, the requirements would be met from the 2006-2007 programme budget appropriation and reflected, as necessary, in the second performance report for 2006-2007.	3 276 300
Reports of the Secretary-General on the revised estimates resulting from decision S-4/101 adopted by the Human Rights Council at its fourth special session in 2006 (A/61/530/Add.2) and on the revised estimates resulting from resolutions adopted by the Council at its fourth session in 2007 (A/61/530/Add.3)	By its resolution 61/273, the General Assembly endorsed the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions (A/61/917). The Advisory Committee recommended that the General Assembly take note of the report of the Secretary-General (A/61/530/Add.2). As noted in the report of the Secretary-General, the adoption of decision S-4/101 gives rise to estimated requirements in the amount of $347,200 for the biennium 2006-2007. It is envisaged that the estimated expenditures will be accommodated from within existing resources under the programme budget for the biennium 2006-2007. The Advisory Committee also recommended that the General Assembly take note of the fact that the implementation of Council resolution 4/8 would give rise to additional requirements in the amount of $360,300 under the programme budget for the biennium 2006-2007, which would be accommodated, to the extent possible, within the existing appropriation, and that the Secretary-General intends to report in the context of the second performance report of the programme budget for the biennium 2006-2007 on any additional requirements (A/61/530/Add.3, sect. IV (a)).	707 500
Commemoration of the two-hundredth anniversary of the abolition of the trans-Atlantic slave trade (Oral statement of programme budget implications on draft resolution A/61/L.28)	The oral statement of programme budget implications arising from draft resolution A/61/L.28 noted that the estimated requirements for the year 2007 would amount to $303,900, and that no provisions had been made under the programme budget for the biennium 2006-2007 for the activities envisaged. The requirements would be accommodated to the fullest extent possible from within the appropriation available under section 27, Public information, of the programme budget for the biennium 2006-2007, and any additional requirements would be reported in the context of the second performance report for the biennium 2006-2007.	303 900

Revised estimate, programme budget implications	Description of decision	United States dollars
Comprehensive review of governance and oversight within the United Nations and its funds, programmes and specialized agencies (A/C.5/61/17)	In its report (A/61/592/Add.2), the Fifth Committee recommended that the General Assembly, having considered the statement submitted by the Secretary-General of programme budget implications of draft resolution A/C.5/61/L.15 and the related oral report of the Advisory Committee on Administrative and Budgetary Questions: (a) note that, should the Assembly adopt the draft resolution entitled "Comprehensive review of governance and oversight within the United Nations and its funds, programmes and specialized agencies", the activities requested under the resolution would be added to the programme of work approved in resolution 60/246, under section 28, Management and support service; (b) also note that resource requirements for the activities requested would amount to $1,316,200 gross (or $1,206,300 net) for the biennium 2006-2007 to be accommodated to the fullest extent possible from within the appropriations available under the programme budget, and any additional requirements as may be necessary would be reported in the context of the second performance report for the biennium 2006-2007	1 316 200
Total		**6 962 900**

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Item 72 (e) of the provisional agenda*
Promotion and protection of human rights:
Convention on the Rights of Persons with Disabilities

Status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

Report of the Secretary-General

Summary

The present report is submitted in response to General Assembly resolution 61/106, by which the Assembly adopted the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto. As requested by the Assembly, a brief overview of the status of the Convention as at 3 August 2007 is presented. The report also contains a brief description of technical arrangements on staff and facilities made necessary for the effective performance of the functions of the Conference of States Parties and the Committee under the Convention and the Optional Protocol, and a description on the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system. Recent efforts of the United Nations and agencies to disseminate information on the Convention and the Optional Protocol are also described.

* A/62/150.

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I. Introduction

1. By its resolution 61/106 of 13 December 2006, the General Assembly adopted the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto. The Assembly urged Member States to consider signing and ratifying the Convention and the Optional Protocol as a matter of priority. The Assembly also requested the Secretary-General to submit to the General Assembly at its sixty-second session a report on the status of the Convention and the Optional Protocol; to implement progressively standards and guidelines for the accessibilities of facilities and services of the United Nations system; and requested the United Nations agencies and organizations to undertake efforts to disseminate information on the Convention and the Optional Protocol. The present report is submitted in response to that resolution.

2. The present report is organized as follows. In section II, a brief overview of the status of the Convention as of 3 August 2007 is presented. It should be noted that the number of signatories to and ratifications of the Convention may have increased in the interval since the report was written.[1] The section also contains a brief description of technical arrangements on staff and facilities made by the Secretary-General necessary for the effective performance of the functions of the Conference of States Parties and the Committee under the Convention and the Optional Protocol. Section III provides a brief description on the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system. In the final section of the report, recent efforts of the United Nations and agencies to disseminate information on the Convention and the Optional Protocol are described.

II. Status of the Convention on the Rights of Persons with Disabilities

3. The General Assembly, in its resolution 56/168 of 19 December 2001 established an Ad Hoc Committee "to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on the holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development". The Ad Hoc Committee first met in July 2002, and at its second meeting in June 2003 decided to establish a Working Group with the aim of preparing and presenting a draft text of a convention that would be the basis for negotiation by Member States. The Working Group met for a two-week session in January 2004, and finalized the preparation of a full draft text. In its resolution 58/246, the General Assembly requested the Ad Hoc Committee to begin negotiations on a draft Convention. The Ad Hoc Committee met twice yearly, and on 25 August 2006 the Committee, during its eighth session, adopted the draft text of the Convention on the Rights of Persons with Disabilities, including an optional protocol, as a whole, without a vote. At the resumed meeting of its eighth session on 5 December 2006, the Committee forwarded the draft final report with the text of the Convention on the Rights of Persons with Disabilities, as amended,

[1] The most recent number of signatures and ratifications will be posted on http://untreaty.un.org.

and the Optional Protocol, to the General Assembly for adoption. On 13 December 2006 the General Assembly adopted the Convention and the Optional Protocol thereto, by its resolution 61/106.

4. At the opening for signature ceremony on 30 March 2007, 81 States and the European Community signed the Convention. A further 44 States signed the Optional Protocol. Jamaica also ratified the Convention on 30 March 2007. The total number of actions undertaken at that ceremony in relation to both the Convention and the Protocol were 127, the highest number of treaty actions ever reached at an opening for signature ceremony.

5. As at 3 August 2007, 100 States, and the European Community, have signed the Convention, and 56 States have signed the Optional Protocol (see the annex to the present report). Besides Jamaica, Hungary has also ratified the Convention. El Salvador, Malta and Poland made reservations upon signature, and Belgium, Egypt, Malta and the Netherlands made declarations at the time of signature.[2] In accordance with its article 45, the Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession. In accordance with its article 13, the Optional Protocol will enter into force on the thirtieth day after the deposit of the tenth instrument of ratification or accession.

6. The Convention has provided a unique opportunity for collaboration between the Department of Economic and Social Affairs and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Significantly, the Convention recognizes the human rights of persons with disabilities and identifies the principal developmental measures that States must take to ensure these rights. By adopting a human rights approach to development, this process has enabled both the Department and OHCHR to work together closely and capitalize on their respective expertise. This collaboration will continue during the implementation phase of the Convention. It is thus foreseen that the Committee on the Rights of Persons with Disabilities will be serviced in Geneva by OHCHR, while the Conference of States Parties will be serviced in New York by the Department. This will ensure that the Convention will benefit from the expertise of each of the two entities, as well as ensure an active and ongoing role for both the Department and OHCHR during the implementation stage.

7. It should be noted that programme budget implications of the adoption of the Convention are contained in a statement by the Secretary-General (A/C.5/61/15) of 7 December 2006. That statement describes the financial impact of activities required under the Convention, such as the Conference of States Parties to the Convention; sessions of the Committee; processing of the reports submitted by the States parties to the Convention; handling communications from individuals, and consideration by the Committee of violations by States parties under the Optional Protocol; and accessibility of facilities and services consistent with the Convention.

III. Action undertaken on standards and guidelines

8. In its resolution 61/106, the General Assembly requested the Secretary-General to implement progressively standards and guidelines for the

[2] Declarations and reservations are found on the following website: http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty26.asp.

accessibility of facilities and services of the United Nations system, including major renovations. Accordingly, the United Nations Secretariat has begun to explore ways of fulfilling its obligations under the Convention.

9. The approach of the Secretary-General is that these standards and guidelines are considered in three main categories: information, including information technology; human resources, including recruitment and training processes and the management of disability among staff; and the physical facilities, including access to premises for staff, delegates, and/or visitors with disabilities. Within the Secretariat these requirements impact the Department of Public Information, the Department for General Assembly and Conference Management, the Department of Safety and Security and the Department of Management. The Secretariat also has to take into account special issues such as providing materials in the six official languages. Since this requirement applies system-wide it is an extensive and complex undertaking to assess what areas of the United Nations operations and services need to be adjusted in order to be in line with the principles and provisions of the Convention. The Department of Management is leading the initiative within the Secretariat with the Department of Economic and Social Affairs providing substantive support. The issue will be taken up by the United Nations System Chief Executives Board for Coordination (CEB), in the context of the High-level Committee on Management. To initiate the Secretary-General's plan of action to meet the requirements of the Convention, the Department of Economic and Social Affairs has begun contacting some Governments with experience in the implementation of anti-discrimination acts at the federal and state level to identify lessons learned, experiences and tools that may be of assistance in this process. In addition a Secretary-General's bulletin setting out the policy and principles will require to be promulgated.

10. The Department of Public Information has begun a number of initiatives to improve accessibility of United Nations websites to conform with web accessibility guidelines set out by the World Wide Web Consortium. Webmasters have undertaken training courses on accessibility principles and how to implement them. Upgrades have been made to the United Nations home page and to several upper layer pages. The Department has established a task force to formulate guidelines and procedures for the implementation of accessible websites throughout the United Nations system. The task force was established in July 2007 and consists of five members representing the Web Services Section. It is expected to issue draft recommendations by the end of August. In keeping with General Assembly resolutions, all new and updated web pages created by the Department, which is the manager of the United Nations website, will comply with these guidelines once they are instituted as organizational standards.

11. Moreover, the Department of Economic and Social Affairs developed its current website (http://www.un.org/esa/socdev/enable/) in 2004 in order to efficiently disseminate updates on the Ad Hoc Committee meetings drafting the Convention. Upon the adoption of the Convention, it is necessary to have a website whose style and content communicate its importance, and which embodies its principles. To that end, a new website (http://www.un.org/disabilities), to be launched in the fall of 2007, is currently being developed. The website will serve numerous functions: it will act as a portal for the Secretariat through which some of its official United Nations business will be conducted; it will facilitate communication with stakeholders; and it will disseminate good practices. To the

extent possible, the website will be accessible to a minimum of conformance level AA according to the Web Content Accessibility Guidelines set by the World Wide Web Consortium-Web Accessibility Initiative.

IV. Activities undertaken in support of the Convention

12. In its resolution 61/106, the General Assembly requested that United Nations agencies and organizations undertake efforts to disseminate information on the Convention and the Optional Protocol and to promote their understanding. The staff of the Department of Economic and Social Affairs and OHCHR have organized, and participated in, a large number of inter-agency initiatives with a view to raising awareness of the Convention with States, intergovernmental organizations and organizations of persons with disabilities. A few examples follow.

13. The Department of Economic and Social Affairs organized an "Expert Group Meeting on Ensuring Access" in support of the Convention in New York from 21 to 23 February 2007. Experts working in areas covered by the Convention were invited to participate, including representatives of organizations of persons with disabilities and United Nations agencies. The meeting gathered experts to assess and map the current knowledge and interventions in ensuring access for persons with disabilities in various areas. It also identified gaps in current interventions and areas in need of development, sources of expertise, and priorities for action, and developed recommendations and guidelines for mapping the areas of intervention on a global scale through a knowledge management system.

14. Efforts have also been made to raise awareness of the human rights of persons with disabilities within the existing human rights mechanisms. OHCHR has begun producing material to assist States in the process of ratification and implementation of the Convention. To that end, the Inter-Parliamentary Union, OHCHR and the Department of Economic and Social Affairs are currently preparing a handbook for parliamentarians on the Convention and the Optional Protocol with a view to assisting parliaments in the process of ratification and implementation. The handbook will be available in the late fall of 2007. Additionally, in July 2007, OHCHR sent out a questionnaire to representative organizations of persons with disabilities and is revising the publication *Working with the Office of the United Nations High Commissioner for Human Rights: A Handbook for NGOs* with a view to raising awareness among persons with disabilities of the international human rights mechanisms. Efforts have also been made by OHCHR to highlight ways in which the Convention and the Optional Protocol could assist States to implement provisions relating to victim assistance under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction.

15. The Department of Economic and Social Affairs and OHCHR have also worked to promote the Convention and the Optional Protocol at the regional and national level. Awareness-raising activities on the Convention and the Optional Protocol have taken place at OHCHR regional offices for South-East Asia (Bangkok) and Africa (Addis Ababa), and at regional conferences attended by Department staff in Brussels, Bangkok and Panama. On the request of States, OHCHR has undertaken awareness-raising activities on the Convention and Optional Protocol through its country offices in Afghanistan, Angola, Colombia,

Kyrgyzstan, Uganda and the occupied Palestinian territories. Additionally, efforts have been made by staff of OHCHR and the Department to promote the Convention at various global meetings of organizations of persons with disabilities.

16. Both the Secretary-General and the United Nations High Commissioner for Human Rights have contributed to greater awareness of the Convention. The Secretary-General, in his video-message to the Seventh World Assembly of Disabled Peoples' International in Seoul, stressed that the Convention aims to foster inclusive societies that endeavour to maximize the full potential of all its citizens. Implementation of the Convention will not only benefit persons with disabilities, but will also serve all members of society, as barriers to the enjoyment of rights are removed, while full and effective participation and inclusion are promoted. The High Commissioner has also been active in raising awareness about the Convention and the Optional Protocol. On 26 March 2007, the High Commissioner addressed a plenary Panel on the Convention and the Optional Protocol during the fourth session of the Human Rights Council. Also in March and April 2007, the High Commissioner, together with the Government of Mexico, organized an exhibition of paintings by artists from the Mexican School of Down Art, whose goals include the promotion of full participation of people with Down Syndrome in society, to mark the opening for signature of the Convention. On 30 March 2007, the High Commissioner attended the signing ceremony for the Convention and the Optional Protocol and delivered the opening address of the High-level Dialogue: "From vision to action: the road to implementation of the Convention on the Rights of Persons with Disabilities". On 16 July 2007, the High Commissioner provided a written statement for the opening of the World Congress of the World Federation of the Deaf, held in Madrid, highlighting the importance of partnership between civil society and the United Nations for the future implementation of the Convention.

17. The Office has started to worked closely with Special Rapporteurs in promoting the Convention. In November 2006, OHCHR, with the participation of the Department of Economic and Social Affairs, organized an expert seminar for the Special Rapporteur on the Right to Education on "The right to education of persons with disabilities". The Special Rapporteur presented his report to the Human Rights Council (A/HRC/4/29), which was welcomed during the interactive dialogue. In May 2007, the United Nations Educational, Scientific and Cultural Organization (UNESCO) organized a round table, with the participation of the Special Rapporteur, at its headquarters in Paris in order to raise awareness of the report and the right to education of persons with disabilities. A second seminar of this type with the Special Rapporteur on the question of torture, on the question of freedom from torture and persons with disabilities is set for December 2007. In June 2007, OHCHR provided a briefing on the Convention and the Optional Protocol to special rapporteurs in the context of the Annual Meeting of Special Rapporteurs. The special rapporteurs, in the report of the meeting, encouraged all rapporteurs to give appropriate attention within their mandates to the special challenges persons with disabilities face in the enjoyment of their human rights.

18. At the inter-agency level, at the twelfth session of the High-level Committee on Programmes of CEB in September 2006, the Department of Economic and Social Affairs introduced a note on the Convention on the Rights of Persons with Disabilities, which highlighted the Convention's significance as a paradigm shift in approaches to people with disabilities, and called for a system-wide strategy to advance its implementation. The note recommended that the High-level Committee

establish a time-bound inter-agency support group tasked with preparing such a strategy. The proposal was endorsed, and the Department was requested by CEB to convene and lead the support group (see CEB/2006/7, para. 58).

19. Progress had been made on the initial steps towards the development and establishment of this inter-agency group. On the basis of the promising development of the Convention process in the past few months, and as the Convention is expected to rapidly enter into force, it has been suggested that the High-level Committee re-examine the issue of a system-wide strategy for its implementation to strengthen the process, and to provide a more solid framework to convene the inter-agency group.

20. Furthermore, while the formal processes are in development, many other United Nations offices and agencies outside of the Secretariat have informally begun the process of internalizing the general principles of the Convention, both at headquarters and in the field. Several informal meetings between agencies have been held, hosted by the Department of Economic and Social Affairs and OHCHR, as well as the World Bank, the United Nations Population Fund, UNESCO, and other specialized agencies. For example, in February, OHCHR organized an inter-agency briefing of intergovernmental and non-governmental organizations based in Geneva to provide an update on the Convention. In June 2007, staff of OHCHR and the Department participated in a meeting hosted by the World Bank on the topic "Convention on the Rights of Persons with Disabilities: opportunities for development agencies in the infrastructure sector", which sought to discuss the roles and cooperation between various organizations on implementation of the Convention. In addition, several offices and agencies have begun a review of existing programmes in order to better support the implementation of the Convention. Many agencies have also started a process of reviewing their internal processes and procedures in order to assess accessibility and the need for adaptations based on the principles of the Convention. As many of these activities are in the planning process, it is expected that a more comprehensive overview of activities in support of the Convention by United Nations agencies can be provided in the near future.

Annex

List of signatories to and ratifications of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto as at 3 August 2007

Total number of Convention signatories: 101

Total number of Optional Protocol signatories: 56

Algeria*	Croatia*	India
Andorra*	Cuba	Indonesia
Antigua and Barbuda*	Cyprus*	Ireland
Argentina*	Czech Republic*	Israel
Armenia*	Denmark	Italy*
Australia	Dominica	Jamaica*
Austria*	Dominican Republic*	Jordan*
Bahrain	Ecuador*	Kenya
Bangladesh	Egypt	Lebanon*
Barbados	El Salvador*	Liberia*
Belgium*	Ethiopia	Lithuania*
Brazil*	Finland*	Luxembourg*
Burkina Faso*	France	Mali*
Burundi*	Gabon	Malta*
Canada	Germany*	Mexico*
Cape Verde	Ghana*	Moldova
Central African Republic*	Greece	Morocco
Chile*	Guatemala*	Mozambique
China	Guinea	Namibia*
Colombia	Guyana	Netherlands
Congo*	Honduras	New Zealand
Costa Rica*	Hungary*	Nicaragua
Côte d'Ivoire*	Iceland*	Niger*

Nigeria*	Seychelles*	The former Yugoslav Republic of Macedonia
Norway	Sierra Leone*	Tunisia*
Panama*	Slovenia*	Turkey
Paraguay*	South Africa*	Uganda*
Peru*	Spain*	United Kingdom
Poland	Sri Lanka	United Republic of Tanzania
Portugal*	Sudan	Uruguay
Qatar*	Suriname	Vanuatu
Republic of Korea	Sweden*	Yemen*
San Marino*	Syrian Arab Republic	European Community
Senegal*	Thailand	

* Denotes signature of both the Convention and the Optional Protocol. Underlined country name denotes ratification of the Convention.